

# SENATE BILL No. 305

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-6-3-4; IC 6-2.5-8-7; IC 16-31-3; IC 20-28-5-8; IC 22-15-5-16; IC 24-5-0.5-4; IC 25-1-1.1; IC 25-26-13-4.1; IC 32-30-8; IC 34-24-1-1; IC 35-31.5-2; IC 35-45-6-1; IC 35-48.

**Synopsis:** Schedule I drugs and "spice". Makes compounds currently classified as synthetic drugs schedule I controlled substances. Makes conforming amendments and repeals obsolete provisions.

**Effective:** July 1, 2014.

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## Merritt

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January 14, 2014, read first time and referred to Committee on Judiciary.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# SENATE BILL No. 305



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

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

- 1 SECTION 1. IC 4-6-3-4, AS AMENDED BY P.L.196-2013,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: Sec. 4. An investigative demand shall contain the
- 4 following:
- 5 (1) A general description of the subject matter being investigated
- 6 and a statement of the applicable provisions of law.
- 7 (2) The date, time, and place at which the person is to appear,
- 8 answer written interrogatories, or produce documentary material
- 9 or other tangible items. The date shall not be less than ten (10)
- 10 days from the date of service of the demand. ~~However, the~~
- 11 ~~attorney general may demand and obtain immediate access to~~
- 12 ~~records and materials if access is necessary for purposes of~~
- 13 ~~investigating alleged violations relating to sales or solicited sales~~
- 14 ~~of a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic~~
- 15 ~~drug lookalike substance (as defined in IC 35-31.5-2-321.5).~~
- 16 (3) Where the production of documents or other tangible items is



- 1 required, a description of those documents or items by class with  
 2 sufficient clarity so that they might be reasonably identified.
- 3 SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.196-2013,  
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 7. (a) The department may, for good cause, revoke  
 6 a certificate issued under section 1, 3, or 4 of this chapter. However,  
 7 the department must give the certificate holder at least five (5) days  
 8 notice before it revokes the certificate under this subsection. Good  
 9 cause for revocation may include the following:
- 10 (1) Sale or solicitation of a sale involving a synthetic drug (as  
 11 defined in IC 35-31.5-2-321) or a synthetic drug lookalike  
 12 substance (as defined in IC 35-31.5-2-321.5):  
 13 (2) Failure to collect sales tax on a sale involving a synthetic drug  
 14 or a synthetic drug lookalike substance.
- 15 If the department gives notice of an intent to revoke based on an  
 16 alleged violation of subdivision (1) or (2), the department shall hold a  
 17 public hearing to determine whether good cause exists. If the  
 18 department finds in a public hearing by a preponderance of the  
 19 evidence that a person has committed a violation described in  
 20 subdivision (1) or (2), the department shall proceed in accordance with  
 21 subsection (i) (if the violation resulted in a criminal conviction) or  
 22 subsection (j) (if the violation resulted in a judgment for an infraction):  
 23 (b) The department shall revoke a certificate issued under section  
 24 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate  
 25 holder fails to:  
 26 (1) file the returns required by IC 6-2.5-6-1; or  
 27 (2) report the collection of any state gross retail or use tax on the  
 28 returns filed under IC 6-2.5-6-1.
- 29 However, the department must give the certificate holder at least five  
 30 (5) days notice before it revokes the certificate.
- 31 (c) The department may, for good cause, revoke a certificate issued  
 32 under section 1 of this chapter after at least five (5) days notice to the  
 33 certificate holder if:  
 34 (1) the certificate holder is subject to an innkeeper's tax under  
 35 IC 6-9; and  
 36 (2) a board, bureau, or commission established under IC 6-9 files  
 37 a written statement with the department.
- 38 (d) The statement filed under subsection (c) must state that:  
 39 (1) information obtained by the board, bureau, or commission  
 40 under IC 6-8.1-7-1 indicates that the certificate holder has not  
 41 complied with IC 6-9; and  
 42 (2) the board, bureau, or commission has determined that



- 1           significant harm will result to the county from the certificate  
2           holder's failure to comply with IC 6-9.
- 3           (e) The department shall revoke or suspend a certificate issued  
4           under section 1 of this chapter after at least five (5) days notice to the  
5           certificate holder if:
- 6           (1) the certificate holder owes taxes, penalties, fines, interest, or  
7           costs due under IC 6-1.1 that remain unpaid at least sixty (60)  
8           days after the due date under IC 6-1.1; and  
9           (2) the treasurer of the county to which the taxes are due requests  
10          the department to revoke or suspend the certificate.
- 11          (f) The department shall reinstate a certificate suspended under  
12          subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid  
13          or the county treasurer requests the department to reinstate the  
14          certificate because an agreement for the payment of taxes and any  
15          penalties due under IC 6-1.1 has been reached to the satisfaction of the  
16          county treasurer.
- 17          (g) The department shall revoke a certificate issued under section  
18          1 of this chapter after at least five (5) days notice to the certificate  
19          holder if the department finds in a public hearing by a preponderance  
20          of the evidence that the certificate holder has violated IC 35-45-5-3,  
21          IC 35-45-5-3.5, or IC 35-45-5-4.
- 22          (h) If a person makes a payment for the certificate under section 1  
23          or 3 of this chapter with a check, credit card, debit card, or electronic  
24          funds transfer, and the department is unable to obtain payment of the  
25          check, credit card, debit card, or electronic funds transfer for its full  
26          face amount when the check, credit card, debit card, or electronic funds  
27          transfer is presented for payment through normal banking channels, the  
28          department shall notify the person by mail that the check, credit card,  
29          debit card, or electronic funds transfer was not honored and that the  
30          person has five (5) days after the notice is mailed to pay the fee in cash,  
31          by certified check, or other guaranteed payment. If the person fails to  
32          make the payment within the five (5) day period, the department shall  
33          revoke the certificate.
- 34          (i) ~~If the department finds in a public hearing by a preponderance of~~  
35          ~~the evidence that a person has a conviction for a violation of~~  
36          ~~IC 35-48-4-10.5 and the conviction involved the sale of or the offer to~~  
37          ~~sell, in the normal course of business, a synthetic drug or a synthetic~~  
38          ~~drug lookalike substance by a retail merchant in a place of business for~~  
39          ~~which the retail merchant has been issued a registered retail merchant~~  
40          ~~certificate under section 1 of this chapter, the department:~~
- 41                  ~~(1) shall suspend the registered retail merchant certificate for the~~  
42                  ~~place of business for one (1) year; and~~



1 (2) may not issue another retail merchant certificate under section  
2 † of this chapter for one (1) year to any person:

3 (A) that:

4 (i) applied for; or

5 (ii) made a retail transaction under;

6 the retail merchant certificate suspended under subdivision  
7 (†); or

8 (B) that:

9 (i) owned or co-owned, directly or indirectly; or

10 (ii) was an officer, a director, a manager, or a partner of;

11 the retail merchant that was issued the retail merchant  
12 certificate suspended under subdivision (†):

13 (j) If the department finds in a public hearing by a preponderance of  
14 the evidence that a person has a judgment for a violation of  
15 IC 35-48-4-10.5 as an infraction and the violation involved the sale of  
16 or the offer to sell, in the normal course of business, a synthetic drug  
17 or a synthetic drug lookalike substance by a retail merchant in a place  
18 of business for which the retail merchant has been issued a registered  
19 retail merchant certificate under section † of this chapter, the  
20 department:

21 (†) may suspend the registered retail merchant certificate for the  
22 place of business for six (6) months; and

23 (2) may withhold issuance of another retail merchant certificate  
24 under section † of this chapter for six (6) months to any person:

25 (A) that:

26 (i) applied for; or

27 (ii) made a retail transaction under;

28 the retail merchant certificate suspended under subdivision  
29 (†); or

30 (B) that:

31 (i) owned or co-owned, directly or indirectly; or

32 (ii) was an officer, a director, a manager, or a partner of;

33 the retail merchant that was issued the retail merchant  
34 certificate suspended under subdivision (†):

35 SECTION 3. IC 16-31-3-14, AS AMENDED BY P.L.196-2013,  
36 SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234,  
37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a  
39 certificate or license issued under this article must comply with the  
40 applicable standards and rules established under this article. A  
41 certificate holder or license holder is subject to disciplinary sanctions  
42 under subsection (b) if the department of homeland security determines



- 1 that the certificate holder or license holder:
- 2 (1) engaged in or knowingly cooperated in fraud or material
- 3 deception in order to obtain a certificate or license, including
- 4 cheating on a certification or licensure 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 required under this article or rules adopted
- 11 under this article;
- 12 (5) is convicted of a crime, if the act that resulted in the
- 13 conviction has a direct bearing on determining if the certificate
- 14 holder or license holder should be entrusted to provide emergency
- 15 medical services;
- 16 (6) is convicted of violating IC 9-19-14.5;
- 17 (7) fails to comply and maintain compliance with or violates any
- 18 applicable provision, standard, or other requirement of this article
- 19 or rules adopted under this article;
- 20 (8) continues to practice if the certificate holder or license holder
- 21 becomes unfit to practice due to:
- 22 (A) professional incompetence that includes the undertaking
- 23 of professional activities that the certificate holder or license
- 24 holder is not qualified by training or experience to undertake;
- 25 (B) failure to keep abreast of current professional theory or
- 26 practice;
- 27 (C) physical or mental disability; or
- 28 (D) addiction to, abuse of, or dependency on alcohol or other
- 29 drugs that endanger the public by impairing the certificate
- 30 holder's or license holder's ability to practice safely;
- 31 (9) engages in a course of lewd or immoral conduct in connection
- 32 with the delivery of services to the public;
- 33 (10) allows the certificate holder's or license holder's name or a
- 34 certificate or license issued under this article to be used in
- 35 connection with a person who renders services beyond the scope
- 36 of that person's training, experience, or competence;
- 37 (11) is subjected to disciplinary action in another state or
- 38 jurisdiction on grounds similar to those contained in this chapter.
- 39 For purposes of this subdivision, a certified copy of a record of
- 40 disciplinary action constitutes prima facie evidence of a
- 41 disciplinary action in another jurisdiction;
- 42 (12) assists another person in committing an act that would



- 1 constitute a ground for disciplinary sanction under this chapter;  
 2 or  
 3 (13) allows a certificate or license issued by the commission to  
 4 be:
- 5 (A) used by another person; or
  - 6 (B) displayed to the public when the certificate or license is  
 7 expired, inactive, invalid, revoked, or suspended.
- 8 (b) The department of homeland security may issue an order under  
 9 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 10 the department of homeland security determines that a certificate  
 11 holder or license holder is subject to disciplinary sanctions under  
 12 subsection (a):
- 13 (1) Revocation of a certificate holder's certificate or license  
 14 holder's license for a period not to exceed seven (7) years.
  - 15 (2) Suspension of a certificate holder's certificate or license  
 16 holder's license for a period not to exceed seven (7) years.
  - 17 (3) Censure of a certificate holder or license holder.
  - 18 (4) Issuance of a letter of reprimand.
  - 19 (5) Assessment of a civil penalty against the certificate holder or  
 20 license holder in accordance with the following:
    - 21 (A) The civil penalty may not exceed five hundred dollars  
 22 (\$500) per day per violation.
    - 23 (B) If the certificate holder or license holder fails to pay the  
 24 civil penalty within the time specified by the department of  
 25 homeland security, the department of homeland security may  
 26 suspend the certificate holder's certificate or license holder's  
 27 license without additional proceedings.
  - 28 (6) Placement of a certificate holder or license holder on  
 29 probation status and requirement of the certificate holder or  
 30 license holder to:
    - 31 (A) report regularly to the department of homeland security  
 32 upon the matters that are the basis of probation;
    - 33 (B) limit practice to those areas prescribed by the department  
 34 of homeland security;
    - 35 (C) continue or renew professional education approved by the  
 36 department of homeland security until a satisfactory degree of  
 37 skill has been attained in those areas that are the basis of the  
 38 probation; or
    - 39 (D) perform or refrain from performing any acts, including  
 40 community restitution or service without compensation, that  
 41 the department of homeland security considers appropriate to  
 42 the public interest or to the rehabilitation or treatment of the



- 1 certificate holder or license holder.  
2 The department of homeland security may withdraw or modify  
3 this probation if the department of homeland security finds after  
4 a hearing that the deficiency that required disciplinary action is  
5 remedied or that changed circumstances warrant a modification  
6 of the order.
- 7 (c) If an applicant or a certificate holder or license holder has  
8 engaged in or knowingly cooperated in fraud or material deception to  
9 obtain a certificate or license, including cheating on the certification or  
10 licensure examination, the department of homeland security may  
11 rescind the certificate or license if it has been granted, void the  
12 examination or other fraudulent or deceptive material, and prohibit the  
13 applicant from reapplying for the certificate or license for a length of  
14 time established by the department of homeland security.
- 15 (d) The department of homeland security may deny certification or  
16 licensure to an applicant who would be subject to disciplinary sanctions  
17 under subsection (b) if that person were a certificate holder or license  
18 holder, has had disciplinary action taken against the applicant or the  
19 applicant's certificate or license to practice in another state or  
20 jurisdiction, or has practiced without a certificate or license in violation  
21 of the law. A certified copy of the record of disciplinary action is  
22 conclusive evidence of the other jurisdiction's disciplinary action.
- 23 (e) The department of homeland security may order a certificate  
24 holder or license holder to submit to a reasonable physical or mental  
25 examination if the certificate holder's or license holder's physical or  
26 mental capacity to practice safely and competently is at issue in a  
27 disciplinary proceeding. Failure to comply with a department of  
28 homeland security order to submit to a physical or mental examination  
29 makes a certificate holder or license holder liable to temporary  
30 suspension under subsection (i).
- 31 (f) Except as provided under subsection (a), subsection (g), and  
32 section 14.5 of this chapter, a certificate or license may not be denied,  
33 revoked, or suspended because the applicant, certificate holder, or  
34 license holder has been convicted of an offense. The acts from which  
35 the applicant's, certificate holder's, or license holder's conviction  
36 resulted may be considered as to whether the applicant or certificate  
37 holder or license holder should be entrusted to serve the public in a  
38 specific capacity.
- 39 (g) The department of homeland security may deny, suspend, or  
40 revoke a certificate or license issued under this article if the individual  
41 who holds or is applying for the certificate or license is convicted of  
42 any of the following:





- 1 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
 2 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
 3 (3) Possession of a controlled substance under IC 35-48-4-7(a).  
 4 (4) Fraudulently obtaining a controlled substance under  
 5 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).  
 6 (5) Manufacture 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 35-48-4-8.1(b).  
 9 (6) Dealing in paraphernalia as a Class D *felony* (for a crime  
 10 committed before July 1, 2014) or Level 6 felony (for a crime  
 11 committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 12 (7) Possession of paraphernalia as a Class D *felony* (for a crime  
 13 committed before July 1, 2014) or Level 6 felony (for a crime  
 14 committed after June 30, 2014) under IC 35-48-4-8.3(b).  
 15 (8) Possession of marijuana, hash oil, hashish, or salvia ~~or a~~  
 16 ~~synthetic drug~~ as a Class D *felony* (for a crime committed before  
 17 July 1, 2014) or Level 6 felony (for a crime committed after June  
 18 30, 2014) under IC 35-48-4-11.  
 19 (9) Possession of a synthetic drug or synthetic drug lookalike  
 20 substance as a Class D *felony* under IC 35-48-4-11.5 **(before its**  
 21 **repeal)** (or under IC 35-48-4-11 before its amendment in 2013).  
 22 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.  
 23 ~~(10)~~ (11) An offense relating to registration, labeling, and  
 24 prescription forms under IC 35-48-4-14.  
 25 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
 26 listed in *subdivisions (1) through (10) this section*.  
 27 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
 28 in *subdivisions (1) through (10) this section*.  
 29 ~~(13)~~ (14) An offense in any other jurisdiction in which the  
 30 elements of the offense for which the conviction was entered are  
 31 substantially similar to the elements of an offense described *by*  
 32 *subdivisions (1) through (12) in this section*.  
 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.



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 factfinding  
 7 investigation as the department of homeland security considers proper  
 8 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 person  
 29 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 4. IC 16-31-3-14.5, AS AMENDED BY P.L.196-2013,  
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2014]: Sec. 14.5. The department of homeland security may  
 41 issue an order under IC 4-21.5-3-6 to deny an applicant's request for  
 42 certification or licensure or permanently revoke a certificate or license



1 under procedures provided by section 14 of this chapter if the  
 2 individual who holds the certificate or license issued under this title is  
 3 convicted of any of the following:

4 (1) Dealing in or manufacturing cocaine or a narcotic drug under  
 5 IC 35-48-4-1.

6 (2) Dealing in methamphetamine under IC 35-48-4-1.1.

7 (3) Dealing in a schedule I, II, or III controlled substance under  
 8 IC 35-48-4-2.

9 (4) Dealing in a schedule IV controlled substance under  
 10 IC 35-48-4-3.

11 (5) Dealing in a schedule V controlled substance under  
 12 IC 35-48-4-4.

13 (6) Dealing in a substance represented to be a controlled  
 14 substance under IC 35-48-4-4.5.

15 (7) Knowingly or intentionally manufacturing, advertising,  
 16 distributing, or possessing with intent to manufacture, advertise,  
 17 or distribute a substance represented to be a controlled substance  
 18 under IC 35-48-4-4.6.

19 (8) Dealing in a counterfeit substance under IC 35-48-4-5.

20 (9) Dealing in marijuana, hash oil, hashish, or salvia under  
 21 IC 35-48-4-10(b).

22 (10) Dealing in a synthetic drug or synthetic drug lookalike  
 23 substance under IC 35-48-4-10.5 (**before its repeal**) (or under  
 24 IC 35-48-4-10(b) before its amendment in 2013).

25 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 26 in this section.

27 (12) Attempt under IC 35-41-5-1 to commit an offense listed in  
 28 this section.

29 (13) A crime of violence (as defined in IC 35-50-1-2(a)).

30 (14) An offense in any other jurisdiction in which the elements of  
 31 the offense for which the conviction was entered are substantially  
 32 similar to the elements of an offense described under this section.

33 SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.158-2013,  
 34 SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION  
 35 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a  
 37 prosecuting attorney knows that a licensed employee of a public school  
 38 or a nonpublic school has been convicted of an offense listed in  
 39 subsection (c). The prosecuting attorney shall immediately give written  
 40 notice of the conviction to the following:

41 (1) The state superintendent.

42 (2) Except as provided in subdivision (3), the superintendent of



- 1 the school corporation that employs the licensed employee or the  
 2 equivalent authority if a nonpublic school employs the licensed  
 3 employee.
- 4 (3) The presiding officer of the governing body of the school  
 5 corporation that employs the licensed employee, if the convicted  
 6 licensed employee is the superintendent of the school corporation.
- 7 (b) The superintendent of a school corporation, presiding officer of  
 8 the governing body, or equivalent authority for a nonpublic school shall  
 9 immediately notify the state superintendent when the individual knows  
 10 that a current or former licensed employee of the public school or  
 11 nonpublic school has been convicted of an offense listed in subsection  
 12 (c), or when the governing body or equivalent authority for a nonpublic  
 13 school takes any final action in relation to an employee who engaged  
 14 in any offense listed in subsection (c).
- 15 (c) The department, after holding a hearing on the matter, shall  
 16 permanently revoke the license of a person who is known by the  
 17 department to have been convicted of any of the following felonies:
- 18 (1) Kidnapping (IC 35-42-3-2).
  - 19 (2) Criminal confinement (IC 35-42-3-3).
  - 20 (3) Rape (IC 35-42-4-1).
  - 21 (4) Criminal deviate conduct (IC 35-42-4-2) ~~(repeated)~~: **(before**  
 22 **its repeal)**.
  - 23 (5) Child molesting (IC 35-42-4-3).
  - 24 (6) Child exploitation (IC 35-42-4-4(b)).
  - 25 (7) Vicarious sexual gratification (IC 35-42-4-5).
  - 26 (8) Child solicitation (IC 35-42-4-6).
  - 27 (9) Child seduction (IC 35-42-4-7).
  - 28 (10) Sexual misconduct with a minor (IC 35-42-4-9).
  - 29 (11) Incest (IC 35-46-1-3).
  - 30 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 31 (IC 35-48-4-1).
  - 32 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
  - 33 (14) Dealing in a schedule I, II, or III controlled substance  
 34 (IC 35-48-4-2).
  - 35 (15) Dealing in a schedule IV controlled substance  
 36 (IC 35-48-4-3).
  - 37 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
  - 38 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
  - 39 (18) Dealing in marijuana, hash oil, hashish, or salvia  
 40 (IC 35-48-4-10(b)).
  - 41 (19) Dealing in a synthetic drug or synthetic drug lookalike  
 42 substance (IC 35-48-4-10.5 **(before its repeal)** or



- 1 IC 35-48-4-10(b) before its amendment in 2013).
- 2 (20) Possession of child pornography (IC 35-42-4-4(c)).
- 3 (21) Homicide (IC 35-42-1).
- 4 (22) Voluntary manslaughter (IC 35-42-1-3).
- 5 (23) Reckless homicide (IC 35-42-1-5).
- 6 (24) Battery as any of the following:
- 7 (A) A Class A felony (for a crime committed before July 1,
- 8 2014) or a Level 2 felony (for a crime committed after June
- 9 30, 2014). ~~(IC 35-42-2-1(a)(5)).~~
- 10 (B) A Class B felony (for a crime committed before July 1,
- 11 2014) or a Level 3 felony (for a crime committed after June
- 12 30, 2014). ~~(IC 35-42-2-1(a)(4)).~~
- 13 (C) A Class C felony (for a crime committed before July 1,
- 14 2014) or a Level 5 felony (for a crime committed after June
- 15 30, 2014). ~~(IC 35-42-2-1(a)(3)).~~
- 16 (25) Aggravated battery (IC 35-42-2-1.5).
- 17 (26) Robbery (IC 35-42-5-1).
- 18 (27) Carjacking (IC 35-42-5-2) ~~(repeated)~~. **(before its repeal)**.
- 19 (28) Arson as a Class A felony or ~~a~~ Class B felony (for a crime
- 20 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 21 4 felony (for a crime committed after June 30, 2014)
- 22 (IC 35-43-1-1(a)).
- 23 (29) Burglary as a Class A felony or ~~a~~ Class B felony (for a crime
- 24 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 25 or Level 4 felony (for a crime committed after June 30, 2014)
- 26 (IC 35-43-2-1).
- 27 (30) Attempt under IC 35-41-5-1 to commit an offense listed in
- 28 this subsection.
- 29 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 30 in this subsection.
- 31 (d) The department, after holding a hearing on the matter, shall
- 32 permanently revoke the license of a person who is known by the
- 33 department to have been convicted of a federal offense or an offense in
- 34 another state that is comparable to a felony listed in subsection (c).
- 35 (e) A license may be suspended by the state superintendent as
- 36 specified in IC 20-28-7.5.
- 37 (f) The department shall develop a data base of information on
- 38 school corporation employees who have been reported to the
- 39 department under this section.
- 40 SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.196-2013,
- 41 SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261,
- 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply  
 2 with the standards established under this licensing program. A  
 3 practitioner is subject to the exercise of the disciplinary sanctions under  
 4 subsection (b) if the department finds that a practitioner has:

5 (1) engaged in or knowingly cooperated in fraud or material  
 6 deception in order to obtain a license to practice, including  
 7 cheating on a licensing examination;

8 (2) engaged in fraud or material deception in the course of  
 9 professional services or activities;

10 (3) advertised services or goods in a false or misleading manner;

11 (4) falsified or knowingly allowed another person to falsify  
 12 attendance records or certificates of completion of continuing  
 13 education courses provided under this chapter;

14 (5) been convicted of a crime that has a direct bearing on the  
 15 practitioner's ability to continue to practice competently;

16 (6) knowingly violated a state statute or rule or federal statute or  
 17 regulation regulating the profession for which the practitioner is  
 18 licensed;

19 (7) continued to practice although the practitioner has become  
 20 unfit to practice due to:

21 (A) professional incompetence;

22 (B) failure to keep abreast of current professional theory or  
 23 practice;

24 (C) physical or mental disability; or

25 (D) addiction to, abuse of, or severe dependency on alcohol or  
 26 other drugs that endanger the public by impairing a  
 27 practitioner's ability to practice safely;

28 (8) engaged in a course of lewd or immoral conduct in connection  
 29 with the delivery of services to the public;

30 (9) allowed the practitioner's name or a license issued under this  
 31 chapter to be used in connection with an individual or business  
 32 who renders services beyond the scope of that individual's or  
 33 business's training, experience, or competence;

34 (10) had disciplinary action taken against the practitioner or the  
 35 practitioner's license to practice in another state or jurisdiction on  
 36 grounds similar to those under this chapter;

37 (11) assisted another person in committing an act that would  
 38 constitute a ground for disciplinary sanction under this chapter;

39 or

40 (12) allowed a license issued by the department to be:

41 (A) used by another person; or

42 (B) displayed to the public when the license has expired, is



1 inactive, is invalid, or has been revoked or suspended.  
 2 For purposes of subdivision (10), a certified copy of a record of  
 3 disciplinary action constitutes prima facie evidence of a disciplinary  
 4 action in another jurisdiction.

5 (b) The department may impose one (1) or more of the following  
 6 sanctions if the department finds that a practitioner is subject to  
 7 disciplinary sanctions under subsection (a):

8 (1) Permanent revocation of a practitioner's license.

9 (2) Suspension of a practitioner's license.

10 (3) Censure of a practitioner.

11 (4) Issuance of a letter of reprimand.

12 (5) Assess a civil penalty against the practitioner in accordance  
 13 with the following:

14 (A) The civil penalty may not be more than one thousand  
 15 dollars (\$1,000) for each violation listed in subsection (a),  
 16 except for a finding of incompetency due to a physical or  
 17 mental disability.

18 (B) When imposing a civil penalty, the department shall  
 19 consider a practitioner's ability to pay the amount assessed. If  
 20 the practitioner fails to pay the civil penalty within the time  
 21 specified by the department, the department may suspend the  
 22 practitioner's license without additional proceedings. However,  
 23 a suspension may not be imposed if the sole basis for the  
 24 suspension is the practitioner's inability to pay a civil penalty.

25 (6) Place a practitioner on probation status and require the  
 26 practitioner to:

27 (A) report regularly to the department upon the matters that  
 28 are the basis of probation;

29 (B) limit practice to those areas prescribed by the department;

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

33 (D) perform or refrain from performing any acts, including  
 34 community restitution or service without compensation, that  
 35 the department considers appropriate to the public interest or  
 36 to the rehabilitation or treatment of the practitioner.

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

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



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

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

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

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

24 (g) The department may deny, suspend, or revoke a license issued  
 25 under this chapter if the individual who holds the license is convicted  
 26 of any of the following:

- 27 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 28 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 29 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 30 (4) Fraudulently obtaining a controlled substance under  
 31 IC 35-48-4-7(b) *(for a crime committed before July 1, 2014)* or  
 32 IC 35-48-4-7(c) *(for a crime committed after June 30, 2014)*.
- 33 (5) Manufacture of paraphernalia as a Class D *felony (for a crime*  
 34 *committed before July 1, 2014)* or a Level 6 felony *(for a crime*  
 35 *committed after June 30, 2014)* under IC 35-48-4-8.1(b).
- 36 (6) Dealing in paraphernalia as a Class D *felony (for a crime*  
 37 *committed before July 1, 2014)* or a Level 6 felony *(for a crime*  
 38 *committed after June 30, 2014)* under IC 35-48-4-8.5(b).
- 39 (7) Possession of paraphernalia as a Class D *felony (for a crime*  
 40 *committed before July 1, 2014)* or a Level 6 felony *(for a crime*  
 41 *committed after June 30, 2014)* under IC 35-48-4-8.3(b).
- 42 (8) Possession of marijuana, hash oil, hashish, or salvia *or a*





1 *synthetic drug* as a Class D felony (for a crime committed before  
2 July 1, 2014) or a Level 6 felony (for a crime committed after  
3 June 30, 2014) under IC 35-48-4-11.

4 (9) Possession of a synthetic drug or synthetic drug lookalike  
5 substance as a Class D felony ~~under IC 35-48-4-11.5 (or under~~  
6 ~~IC 35-48-4-11 before its amendment in 2013)~~ **under:**

7 **(A) IC 35-48-4-11 before its amendment in 2013; or**

8 **(B) IC 35-48-4-11.5 (before its repeal).**

9 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

10 ~~(10)~~ (11) An offense relating to registration, labeling, and  
11 prescription forms under IC 35-48-4-14.

12 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
13 listed in *subdivisions (1) through (10)*; *this subsection.*

14 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
15 in *subdivisions (1) through (10)*; *this subsection.*

16 ~~(13)~~ (14) An offense in any other jurisdiction in which the  
17 elements of the offense for which the conviction was entered are  
18 substantially similar to the elements of an offense described in  
19 *subdivisions (1) through (12)*; *this subsection.*

20 (h) The department shall deny, revoke, or suspend a license issued  
21 under this chapter if the individual who holds the license is convicted  
22 of any of the following:

23 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

24 (2) Dealing in methamphetamine under IC 35-48-4-1.1.

25 (3) Dealing in a schedule I, II, or III controlled substance under  
26 IC 35-48-4-2.

27 (4) Dealing in a schedule IV controlled substance under  
28 IC 35-48-4-3.

29 (5) Dealing in a schedule V controlled substance under  
30 IC 35-48-4-4.

31 (6) Dealing in a substance represented to be a controlled  
32 substance under IC 35-48-4-4.5.

33 (7) Knowingly or intentionally manufacturing, advertising,  
34 distributing, or possessing with intent to manufacture, advertise,  
35 or distribute a substance represented to be a controlled substance  
36 under IC 35-48-4-4.6.

37 (8) Dealing in a counterfeit substance under IC 35-48-4-5.

38 (9) Dealing in marijuana, hash oil, hashish, *or salvia or a*  
39 *synthetic drug* under IC 35-48-4-10(b).

40 (10) Dealing in a synthetic drug or synthetic drug lookalike  
41 substance under IC 35-48-4-10.5 **(before its repeal)** (or under  
42 *IC 35-48-4-10(b) before its amendment in 2013*).



- 1           ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense  
 2 listed in *subdivisions (1) through (9)*; *this subsection.*  
 3           ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed  
 4 in *subdivisions (1) through (9)*; *this subsection.*  
 5           ~~(12)~~ (13) An offense in any other jurisdiction in which the  
 6 elements of the offense for which the conviction was entered are  
 7 substantially similar to the elements of an offense described in  
 8 *subdivisions (1) through (11)*; *this subsection.*  
 9           ~~(13)~~ (14) A violation of any federal or state drug law or rule  
 10 related to wholesale legend drug distributors licensed under  
 11 IC 25-26-14.
- 12           (i) A decision of the department under subsections (b) through (h)  
 13 may be appealed to the commission under IC 4-21.5-3-7.
- 14           (j) The department may temporarily suspend a practitioner's license  
 15 under IC 4-21.5-4 before a final adjudication or during the appeals  
 16 process if the department finds that a practitioner represents a clear and  
 17 immediate danger to the public's health, safety, or property if the  
 18 practitioner is allowed to continue to practice.
- 19           (k) On receipt of a complaint or an information alleging that a  
 20 person licensed under this chapter has engaged in or is engaging in a  
 21 practice that jeopardizes the public health, safety, or welfare, the  
 22 department shall initiate an investigation against the person.
- 23           (l) Any complaint filed with the office of the attorney general  
 24 alleging a violation of this licensing program shall be referred to the  
 25 department for summary review and for its general information and any  
 26 authorized action at the time of the filing.
- 27           (m) The department shall conduct a fact finding investigation as the  
 28 department considers proper in relation to the complaint.
- 29           (n) The department may reinstate a license that has been suspended  
 30 under this section if, after a hearing, the department is satisfied that the  
 31 applicant is able to practice with reasonable skill, safety, and  
 32 competency to the public. As a condition of reinstatement, the  
 33 department may impose disciplinary or corrective measures authorized  
 34 under this chapter.
- 35           (o) The department may not reinstate a license that has been  
 36 revoked under this chapter. An individual whose license has been  
 37 revoked under this chapter may not apply for a new license until seven  
 38 (7) years after the date of revocation.
- 39           (p) The department shall seek to achieve consistency in the  
 40 application of sanctions authorized in this chapter. Significant  
 41 departures from prior decisions involving similar conduct must be  
 42 explained in the department's findings or orders.



1 (q) A practitioner may petition the department to accept the  
 2 surrender of the practitioner's license instead of having a hearing before  
 3 the commission. The practitioner may not surrender the practitioner's  
 4 license without the written approval of the department, and the  
 5 department may impose any conditions appropriate to the surrender or  
 6 reinstatement of a surrendered license.

7 (r) A practitioner who has been subjected to disciplinary sanctions  
 8 may be required by the commission to pay the costs of the proceeding.  
 9 The practitioner's ability to pay shall be considered when costs are  
 10 assessed. If the practitioner fails to pay the costs, a suspension may not  
 11 be imposed solely upon the practitioner's inability to pay the amount  
 12 assessed. The costs are limited to costs for the following:

- 13 (1) Court reporters.
- 14 (2) Transcripts.
- 15 (3) Certification of documents.
- 16 (4) Photo duplication.
- 17 (5) Witness attendance and mileage fees.
- 18 (6) Postage.
- 19 (7) Expert witnesses.
- 20 (8) Depositions.
- 21 (9) Notarizations.

22 SECTION 7. IC 24-5-0.5-4, AS AMENDED BY P.L.250-2013,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2014]: Sec. 4. (a) A person relying upon an uncured or  
 25 incurable deceptive act may bring an action for the damages actually  
 26 suffered as a consumer as a result of the deceptive act or five hundred  
 27 dollars (\$500), whichever is greater. The court may increase damages  
 28 for a willful deceptive act in an amount that does not exceed the greater  
 29 of:

- 30 (1) three (3) times the actual damages of the consumer suffering  
 31 the loss; or
- 32 (2) one thousand dollars (\$1,000).

33 Except as provided in subsection (j), the court may award reasonable  
 34 attorney fees to the party that prevails in an action under this  
 35 subsection. This subsection does not apply to a consumer transaction  
 36 in real property, including a claim or action involving a construction  
 37 defect (as defined in IC 32-27-3-1(5)) brought against a construction  
 38 professional (as defined in IC 32-27-3-1(4)), except for purchases of  
 39 time shares and camping club memberships. This subsection does not  
 40 apply with respect to a deceptive act described in section 3(a)(20) of  
 41 this chapter. This subsection also does not apply to a violation of  
 42 IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages



1 awarded to a person under this section have priority over any civil  
2 penalty imposed under this chapter.

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

25 (c) The attorney general may bring an action to enjoin a deceptive  
26 act, including a deceptive act described in section 3(a)(20) of this  
27 chapter, notwithstanding subsections (a) and (b). However, the attorney  
28 general may seek to enjoin patterns of incurable deceptive acts with  
29 respect to consumer transactions in real property. In addition, the court  
30 may:

- 31 (1) issue an injunction;
- 32 (2) order the supplier to make payment of the money unlawfully  
33 received from the aggrieved consumers to be held in escrow for  
34 distribution to aggrieved consumers;
- 35 (3) for a knowing violation against a senior consumer, increase  
36 the amount of restitution ordered under subdivision (2) in any  
37 amount up to three (3) times the amount of damages incurred or  
38 value of property or assets lost;
- 39 (4) order the supplier to pay to the state the reasonable costs of  
40 the attorney general's investigation and prosecution related to the  
41 action;
- 42 (5) provide for the appointment of a receiver. ~~and~~



1 (6) order the department of state revenue to suspend the supplier's  
2 registered retail merchant certificate, subject to the requirements  
3 and prohibitions contained in IC 6-2.5-8-7(i), if the court finds  
4 that a violation of this chapter involved the sale or solicited sale  
5 of a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic  
6 drug lookalike substance (as defined in IC 35-31.5-2-321.5);

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

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

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

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

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

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

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

40 A civil penalty recovered under this subsection shall be deposited in  
41 the consumer protection division telephone solicitation fund  
42 established by IC 24-4.7-3-6 to be used for the administration and



1 enforcement of section 3(a)(19) of this chapter.

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

5 (j) An offer to cure is:

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

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

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

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

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

39 SECTION 8. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013,  
40 SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277,  
41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a



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

- 9 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
 10 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
 11 (3) Possession of a controlled substance under IC 35-48-4-7(a).  
 12 (4) Fraudulently obtaining a controlled substance under  
 13 ~~IC 35-48-4-7(b)~~ IC 35-48-4-7(c).  
 14 (5) Manufacture of paraphernalia as a Class D *felony (for a crime*  
 15 *committed before July 1, 2014) or a Level 6 felony (for a crime*  
 16 *committed after June 30, 2014)* under IC 35-48-4-8.1(b).  
 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).  
 23 (8) Possession of marijuana, hash oil, hashish, *or salvia or a*  
 24 *synthetic drug* as a Class D *felony (for a crime committed before*  
 25 *July 1, 2014) or a Level 6 felony (for a crime committed after*  
 26 *June 30, 2014)* under IC 35-48-4-11.  
 27 (9) *Possession of a synthetic drug or synthetic drug lookalike*  
 28 *substance as Class D felony under IC 35-48-4-11.5 (or under*  
 29 *IC 35-48-4-11 before its amendment in 2013) under:*  
 30 **(A) IC 35-48-4-11 before its amendment in 2013; or**  
 31 **(B) IC 35-48-4-11.5 (before its repeal).**  
 32 ~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.  
 33 ~~(10)~~ (11) An offense relating to registration, labeling, and  
 34 prescription forms under IC 35-48-4-14.  
 35 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
 36 listed in *subdivisions (1) through (10) of this section.*  
 37 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
 38 in *subdivisions (1) through (10) of this section.*  
 39 ~~(13)~~ (14) A sex crime under IC 35-42-4.  
 40 ~~(14)~~ (15) A felony that reflects adversely on the individual's  
 41 fitness to hold a professional license.  
 42 ~~(15)~~ (16) An offense in any other jurisdiction in which the



1 elements of the offense for which the conviction was entered are  
 2 substantially similar to the elements of an offense described in  
 3 this section.

4 SECTION 9. IC 25-1-1.1-3, AS AMENDED BY P.L.196-2013,  
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2014]: Sec. 3. A board, a commission, or a committee shall  
 7 revoke or suspend a license or certificate issued under this title by the  
 8 board, the commission, or the committee if the individual who holds  
 9 the license or certificate is convicted of any of the following:

10 (1) Dealing in or manufacturing cocaine or a narcotic drug under  
 11 IC 35-48-4-1.

12 (2) Dealing in methamphetamine under IC 35-48-4-1.1.

13 (3) Dealing in a schedule I, II, or III controlled substance under  
 14 IC 35-48-4-2.

15 (4) Dealing in a schedule IV controlled substance under  
 16 IC 35-48-4-3.

17 (5) Dealing in a schedule V controlled substance under  
 18 IC 35-48-4-4.

19 (6) Dealing in a substance represented to be a controlled  
 20 substance under IC 35-48-4-4.5.

21 (7) Knowingly or intentionally manufacturing, advertising,  
 22 distributing, or possessing with intent to manufacture, advertise,  
 23 or distribute a substance represented to be a controlled substance  
 24 under IC 35-48-4-4.6.

25 (8) Dealing in a counterfeit substance under IC 35-48-4-5.

26 (9) Dealing in marijuana, hash oil, hashish, or salvia under  
 27 IC 35-48-4-10(b).

28 (10) Dealing in a synthetic drug or synthetic drug lookalike  
 29 substance under IC 35-48-4-10.5 (**before its repeal**) (or under  
 30 IC 35-48-4-10(b) before its amendment in 2013).

31 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 32 in this section.

33 (12) Attempt under IC 35-41-5-1 to commit an offense listed in  
 34 this section.

35 (13) An offense in any other jurisdiction in which the elements of  
 36 the offense for which the conviction was entered are substantially  
 37 similar to the elements of an offense described in this section.

38 (14) A violation of any federal or state drug law or rule related to  
 39 wholesale legend drug distributors licensed under IC 25-26-14.

40 SECTION 10. IC 25-26-13-4.1, AS AMENDED BY P.L.196-2013,  
 41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 4.1. (a) The board may adopt an emergency rule





1 to declare that a substance is a ~~synthetic drug~~ **controlled substance**.

2 (b) The board may, on its own initiative or under a written request  
3 from the state police department, the United States Drug Enforcement  
4 Administration, or a poison control center, adopt an emergency rule  
5 declaring a substance to be a ~~synthetic drug~~ **controlled substance** if  
6 the board finds that the substance:

7 (1) has been scheduled or emergency scheduled by the United  
8 States Drug Enforcement Administration;

9 (2) has been scheduled, emergency scheduled, or criminalized by  
10 another state; or

11 (3) has:

12 (A) a high potential for abuse; and

13 (B) no accepted medical use in treatment in the United States  
14 or lacks accepted safety for use in treatment under medical  
15 supervision.

16 (c) In making its determination under subsection (b)(3), the board  
17 shall consider the following factors relating to the substance:

18 (1) The actual or relative potential for abuse.

19 (2) Scientific evidence of the substance's pharmacological effect,  
20 if known.

21 (3) The state of current scientific knowledge regarding the  
22 substance.

23 (4) The history and current pattern of abuse of the substance.

24 (5) The scope, duration, and significance of abuse of the  
25 substance.

26 (6) The degree of risk to the public health.

27 (7) The psychic or psychological dependence liability of the  
28 substance.

29 (d) A rule adopted under this section becomes effective thirty (30)  
30 days after it is filed with the publisher under IC 4-22-2-37.1.

31 (e) A rule adopted under this section expires on June 30 of the year  
32 following the year in which it is filed with the publisher under  
33 IC 4-22-2-37.1.

34 (f) The board may readopt under this section an emergency rule that  
35 has expired.

36 SECTION 11. IC 32-30-8-2, AS AMENDED BY P.L.196-2013,  
37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2014]: Sec. 2. (a) ~~Except as provided in subsection (d)~~, As  
39 used in this chapter, "property" means a house, a building, a mobile  
40 home, or an apartment that is leased for residential or commercial  
41 purposes.

42 (b) The term includes:



1 (1) an entire building or complex of buildings; or  
 2 (2) a mobile home community;  
 3 and all real property of any nature appurtenant to and used in  
 4 connection with the house, building, mobile home, or apartment,  
 5 including all individual rental units and common areas.

6 (c) The term does not include a hotel, motel, or other guest house,  
 7 part of which is rented to a transient guest.

8 (d) For actions brought by the attorney general in relation to the sale  
 9 or solicited sale of a synthetic drug (as defined in IC 35-31.5-2-321) or  
 10 a synthetic drug lookalike substance (as defined in  
 11 IC 35-31.5-2-321.5), "property" means a house, a building, a mobile  
 12 home, or an apartment that is owned or leased for commercial or  
 13 residential purposes. The term includes all real property of any nature  
 14 appurtenant to and used in connection with the house, building, mobile  
 15 home, or apartment.

16 SECTION 12. IC 32-30-8-10.5 IS REPEALED [EFFECTIVE JULY  
 17 1, 2014]. Sec. 10-5: In addition to the remedies and penalties specified  
 18 in sections 10, 11, 12, and 13 of this chapter, the court may do any of  
 19 the following in an action brought under this chapter concerning the  
 20 sale or solicited sale of a synthetic drug (as defined in  
 21 IC 35-31.5-2-321) or a synthetic drug lookalike substance (as defined  
 22 in IC 35-31.5-2-321.5):

23 (1) Issue a restraining order against the person subject to  
 24 IC 32-30-7-9 and IC 32-30-7-13.

25 (2) Issue a preliminary injunction, temporary forfeiture, or closure  
 26 order pending final decision on a permanent injunction subject to  
 27 IC 32-30-7-12.

28 (3) Issue an order of abatement subject to IC 32-30-7-22.

29 SECTION 13. IC 34-24-1-1, AS AMENDED BY P.L.196-2013,  
 30 SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION  
 31 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS  
 32 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

34 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
 35 or are intended for use by the person or persons in possession of  
 36 them to transport or in any manner to facilitate the transportation  
 37 of the following:

38 (A) A controlled substance for the purpose of committing,  
 39 attempting to commit, or conspiring to commit any of the  
 40 following:

41 (i) Dealing in or manufacturing cocaine or a narcotic drug  
 42 (IC 35-48-4-1).



- 1 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).  
 2 (iii) Dealing in a schedule I, II, or III controlled substance  
 3 (IC 35-48-4-2).  
 4 (iv) Dealing in a schedule IV controlled substance  
 5 (IC 35-48-4-3).  
 6 (v) Dealing in a schedule V controlled substance  
 7 (IC 35-48-4-4).  
 8 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).  
 9 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).  
 10 (viii) Possession of methamphetamine (IC 35-48-4-6.1).  
 11 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).  
 12 (x) Dealing in marijuana, hash oil, hashish, *or* ~~salvia~~ *or* ~~a~~  
 13 ~~synthetic cannabinoid~~ (IC 35-48-4-10).  
 14 (xi) *Dealing in a synthetic drug or synthetic drug lookalike*  
 15 *substance (IC 35-48-4-10.5 (before its repeal), or*  
 16 *IC 35-48-4-10 before its amendment in 2013).*  
 17 (B) Any stolen (IC 35-43-4-2) or converted property  
 18 (IC 35-43-4-3) if the retail or repurchase value of that property  
 19 is one hundred dollars (\$100) or more.  
 20 (C) Any hazardous waste in violation of IC 13-30-10-1.5.  
 21 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 22 mass destruction (as defined in IC 35-31.5-2-354) used to  
 23 commit, used in an attempt to commit, or used in a conspiracy  
 24 to commit an offense under IC 35-47 as part of or in  
 25 furtherance of an act of terrorism (as defined by  
 26 IC 35-31.5-2-329).  
 27 (2) All money, negotiable instruments, securities, weapons,  
 28 communications devices, or any property used to commit, used in  
 29 an attempt to commit, or used in a conspiracy to commit an  
 30 offense under IC 35-47 as part of or in furtherance of an act of  
 31 terrorism or commonly used as consideration for a violation of  
 32 IC 35-48-4 (other than items subject to forfeiture under  
 33 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):  
 34 (A) furnished or intended to be furnished by any person in  
 35 exchange for an act that is in violation of a criminal statute;  
 36 (B) used to facilitate any violation of a criminal statute; or  
 37 (C) traceable as proceeds of the violation of a criminal statute.  
 38 (3) Any portion of real or personal property purchased with  
 39 money that is traceable as a proceed of a violation of a criminal  
 40 statute.  
 41 (4) A vehicle that is used by a person to:  
 42 (A) commit, attempt to commit, or conspire to commit;



- 1 (B) facilitate the commission of; or  
 2 (C) escape from the commission of;  
 3 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 4 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 5 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 6 under IC 35-47 as part of or in furtherance of an act of terrorism.  
 7 (5) Real property owned by a person who uses it to commit any of  
 8 the following as a ~~Class A felony; a Class B felony; Level 1, Level~~  
 9 ~~2, Level 3, Level 4, or a Class C Level 5 felony:~~  
 10 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 11 (IC 35-48-4-1).  
 12 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 13 (C) Dealing in a schedule I, II, or III controlled substance  
 14 (IC 35-48-4-2).  
 15 (D) Dealing in a schedule IV controlled substance  
 16 (IC 35-48-4-3).  
 17 (E) Dealing in marijuana, hash oil, hashish, *or* salvia ~~or a~~  
 18 ~~synthetic cannabinoid~~ (IC 35-48-4-10).  
 19 (F) *Dealing in a synthetic drug or synthetic drug lookalike*  
 20 *substance (IC 35-48-4-10.5 (before its repeal) or*  
 21 *IC 35-48-4-10 before its amendment in 2013).*  
 22 (6) Equipment and recordings used by a person to commit fraud  
 23 under IC 35-43-5-4(10).  
 24 (7) Recordings sold, rented, transported, or possessed by a person  
 25 in violation of IC 24-4-10.  
 26 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 27 defined by IC 35-45-6-1) that is the object of a corrupt business  
 28 influence violation (IC 35-45-6-2).  
 29 (9) Unlawful telecommunications devices (as defined in  
 30 IC 35-45-13-6) and plans, instructions, or publications used to  
 31 commit an offense under IC 35-45-13.  
 32 (10) Any equipment, including computer equipment and cellular  
 33 telephones, used for or intended for use in preparing,  
 34 photographing, recording, videotaping, digitizing, printing,  
 35 copying, or disseminating matter in violation of IC 35-42-4.  
 36 (11) Destructive devices used, possessed, transported, or sold in  
 37 violation of IC 35-47.5.  
 38 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 39 tobacco products that a person attempts to sell in violation of  
 40 IC 24-3-5, and other personal property owned and used by a  
 41 person to facilitate a violation of IC 24-3-5.  
 42 (13) Property used by a person to commit counterfeiting or



1 forgery in violation of IC 35-43-5-2.

2 (14) After December 31, 2005, if a person is convicted of an  
3 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
4 following real or personal property:

5 (A) Property used or intended to be used to commit, facilitate,  
6 or promote the commission of the offense.

7 (B) Property constituting, derived from, or traceable to the  
8 gross proceeds that the person obtained directly or indirectly  
9 as a result of the offense.

10 (15) Except as provided in subsection (e), a vehicle used by a  
11 person who operates the vehicle:

12 (A) while intoxicated, in violation of IC 9-30-5-1 through  
13 IC 9-30-5-5, if in the previous five (5) years the person has two  
14 (2) or more prior unrelated convictions:

15 (i) for operating a motor vehicle while intoxicated in  
16 violation of IC 9-30-5-1 through IC 9-30-5-5; or

17 (ii) for an offense that is substantially similar to IC 9-30-5-1  
18 through IC 9-30-5-5 in another jurisdiction; or

19 (B) on a highway while the person's driving privileges are  
20 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,  
21 if in the previous five (5) years the person has two (2) or more  
22 prior unrelated convictions:

23 (i) for operating a vehicle while intoxicated in violation of  
24 IC 9-30-5-1 through IC 9-30-5-5; or

25 (ii) for an offense that is substantially similar to IC 9-30-5-1  
26 through IC 9-30-5-5 in another jurisdiction.

27 If a court orders the seizure of a vehicle under this subdivision,  
28 the court shall transmit an order to the bureau of motor vehicles  
29 recommending that the bureau not permit a vehicle to be  
30 registered in the name of the person whose vehicle was seized  
31 until the person possesses a current driving license (as defined in  
32 IC 9-13-2-41).

33 (16) The following real or personal property:

34 (A) Property used or intended to be used to commit, facilitate,  
35 or promote the commission of an offense specified in  
36 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
37 IC 30-2-13-38(f).

38 (B) Property constituting, derived from, or traceable to the  
39 gross proceeds that a person obtains directly or indirectly as a  
40 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
41 IC 30-2-10-9(b), or IC 30-2-13-38(f).

42 (17) *An automated sales suppression device (as defined in*



1            *IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in*  
 2            *IC 35-43-5-4.6(a)(3)).*

3            (b) A vehicle used by any person as a common or contract carrier in  
 4 the transaction of business as a common or contract carrier is not  
 5 subject to seizure under this section, unless it can be proven by a  
 6 preponderance of the evidence that the owner of the vehicle knowingly  
 7 permitted the vehicle to be used to engage in conduct that subjects it to  
 8 seizure under subsection (a).

9            (c) Equipment under subsection (a)(10) may not be seized unless it  
 10 can be proven by a preponderance of the evidence that the owner of the  
 11 equipment knowingly permitted the equipment to be used to engage in  
 12 conduct that subjects it to seizure under subsection (a)(10).

13            (d) Money, negotiable instruments, securities, weapons,  
 14 communications devices, or any property commonly used as  
 15 consideration for a violation of IC 35-48-4 found near or on a person  
 16 who is committing, attempting to commit, or conspiring to commit any  
 17 of the following offenses shall be admitted into evidence in an action  
 18 under this chapter as prima facie evidence that the money, negotiable  
 19 instrument, security, or other thing of value is property that has been  
 20 used or was to have been used to facilitate the violation of a criminal  
 21 statute or is the proceeds of the violation of a criminal statute:

22            (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 23 narcotic drug).

24            (2) IC 35-48-4-1.1 (dealing in methamphetamine).

25            (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 26 substance).

27            (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

28            (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 29 as a *Class B Level 4* felony.

30            (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 31 *Class A felony, Class B Level 3, Level 4, felony, or Class C Level*  
 32 *5* felony.

33            (7) IC 35-48-4-6.1 (possession of methamphetamine) as a *Class*  
 34 *A felony, Class B felony, Level 3, Level 4, or Class C Level 5*  
 35 *felony.*

36            (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
 37 salvia) *or a synthetic cannabinoid* as a *Class C Level 5* felony.

38            (9) *IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug*  
 39 *lookalike substance) as a Class C felony or Class D felony*  
 40 **(before its repeal), (or as a Class C felony or Class D felony**  
 41 *under IC 35-48-4-10 before its amendment in 2013).*

42            (e) A vehicle operated by a person who is not:



1 (1) an owner of the vehicle; or  
 2 (2) the spouse of the person who owns the vehicle;  
 3 is not subject to seizure under subsection (a)(15) unless it can be  
 4 proven by a preponderance of the evidence that the owner of the  
 5 vehicle knowingly permitted the vehicle to be used to engage in  
 6 conduct that subjects it to seizure under subsection (a)(15).

7 SECTION 14. IC 35-31.5-2-321 IS REPEALED [EFFECTIVE  
 8 JULY 1, 2014]. Sec. 321. "Synthetic drug" means:

9 (†) a substance containing one (†) or more of the following  
 10 chemical compounds; including an analog of the compound:

11 (A) JWH-015 ((2-Methyl-1-propyl-1H-  
 12 indol-3-yl)-1-naphthalenylmethanone).

13 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

14 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

15 (D) JWH-073

16 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).

17 (E) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-  
 18 3-yl)methanone).

19 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

20 (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-  
 21 naphthalen-1-yl-methanone).

22 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).

23 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).

24 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).

25 (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-  
 26 3-(2-methyloctan-2-yl)-

27 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).

28 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-  
 29 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo

30 [c]chromen-1-ol).

31 (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-  
 32 (2-methyloctan-2-yl)phenyl]-

33 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol).

34 (N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-  
 35 (1-methylethenyl)-2-cyclohexen-1-yl]-5-

36 -pentyl-2,5-cyclohexadiene-1,4-dione).

37 (O) CP 55,940

38 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-  
 39 5-(2-methyloctan-2-yl)phenol).

40 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-  
 41 (2-methyloctan-2-yl)phenol) and its homologues; or

42 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)



- 1 phenol); where side chain n=5; and homologues where side  
 2 chain n=4, 6, or 7.  
 3 (Q) WIN 55212-2:  
 4 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)  
 5 pyrrolo [1,2,3-de]-1,4-benzoxazin-  
 6 6-yl]-1-naphthalenylmethanone).  
 7 (R) RCS-4 ((4-methoxyphenyl)  
 8 (1-pentyl-1H-indol-3-yl)methanone).  
 9 (S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-  
 10 indol-3-yl)-2-(2-methoxyphenyl)ethanone).  
 11 (T) 4-Methylmethcathinone. Other name: mephedrone.  
 12 (U) 3,4-Methylenedioxy-methcathinone. Other name:  
 13 methylone.  
 14 (V) Fluoromethcathinone.  
 15 (W) 4-Methoxymethcathinone. Other name: methedrone.  
 16 (X) 4-Ethylmethcathinone (4-EMC).  
 17 (Y) Methylenedioxy-pyrovalerone. Other name: MDPV.  
 18 (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.  
 19 (AA) JWH-098, or  
 20 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.  
 21 (BB) JWH-164, or  
 22 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.  
 23 (CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.  
 24 (DD) JWH-201, or  
 25 1-pentyl-3-(4-methoxyphenylacetyl)indole.  
 26 (EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.  
 27 (FF) AM-694, or  
 28 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
 29 (GG) CP 50,556-1, or  
 30 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpe  
 31 ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1  
 32 -yl] acetate.  
 33 (HH) Dimethylheptylpyran, or DMHP.  
 34 (II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.  
 35 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].  
 36 (LL) 7-hydroxymitragynine.  
 37 (MM)  $\alpha$ -PPP [ $\alpha$ -pyrrolidinopropiophenone].  
 38 (NN)  $\alpha$ -PVP (desmethylpyrovalerone).  
 39 (OO) AM-251.  
 40 (PP) AM-1241.  
 41 (QQ) AM-2201.  
 42 (RR) AM-2233.





1	(SS) Buphedrone:
2	(TT) Butylone:
3	(UU) CP-47,497-C7:
4	(VV) CP-47,497-C8:
5	(WW) Desoxypipradol:
6	(XX) Ethylone:
7	(YY) Eutylone:
8	(ZZ) Flephedrone:
9	(AAA) JWH-011:
10	(BBB) JWH-020:
11	(CCC) JWH-022:
12	(DDD) JWH-030:
13	(EEE) JWH-182:
14	(FFF) JWH-302:
15	(GGG) MDAI [5,6-methylenedioxy-2-aminoindane]:
16	(HHH) Mitragynine:
17	(Hh) Naphyrone:
18	(JJJ) Pentedrone:
19	(LLL) Pentylone:
20	(MMM) Methoxetamine
21	[2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone]:
22	(NNN) A796,260 [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-
23	(2,2,3,3-tetramethylcyclopropyl)methanone]:
24	(OOO) AB-001 [(1s,3s)-adamantan-1-yl]
25	(1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-
26	(1-adamantoyl)indole]:
27	(PPP) AM-356 [Methanandamide]:
28	(QQQ) AM 1248 [1-[(1-methyl-2-piperidinyl) methyl]-
29	1H-indol-3-yl] tricyclo[3.3.1.1 <sup>3,7</sup> ] dec-1-yl-methanone]or
30	[(1-[(N-methylpiperidin-2-yl)
31	Methyl]-3-(Adamant-1-oyl)indole]:
32	(RRR) AM 2233 Azepane isomer [(2-iodophenyl)
33	(1-(1-methylazepan-3-yl)-1H-indol-3-yl)methanone]:
34	(SSS) CB-13 [1-Naphthalenyl [4-(pentyoxy)-
35	1-naphthalenyl]methanone]:
36	(TTT) UR-144 [(1-pentyl-1H-indol-3-yl)
37	(2,2,3,3-tetramethylcyclopropyl)-methanone]:
38	(UUU) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-
39	cyclohexylcarbamate]:
40	(VVV) URB602 [[1,1'-biphenyl]-3-yl-carbamic acid;
41	cyclohexyl ester]:
42	(WWW) URB 754 [6-methyl-2-[(4-methylphenyl)



- 1 amino]-1-benzoxazin-4-one].
- 2 (XXX) XLR-11 or 5-fluoro UR-144
- 3 (1-(5-fluoropentyl)-1H-indol-3-yl)
- 4 (2,2,3,3-tetramethylcyclopropyl)methanone].
- 5 (YYY) AKB48 (Other names include:
- 6 N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide;
- 7 1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indazole-3-
- 8 carboxamide).
- 9 (ZZZ) 25I-NBOMe (Other names include:
- 10 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-
- 11 benzeneethanamine);
- 12 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
- 13 methyl]ethanamine).
- 14 (AAAA) 2C-C-NBOMe (Other names include: 25C-NBOMe;
- 15 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
- 16 methyl]ethanamine);
- 17 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)
- 18 phenethylamine).
- 19 (BBBB) 2NE-1 (Other names include: 1-Pentyl-3-
- 20 (1-adamantylamido)indole).
- 21 (CCCC) STS-135 (Other names include:
- 22 N-Adamantyl-1-fluoropentylindole-3- carboxamide
- 23 (1-5-fluoropentyl)-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-
- 24 indole-3-carboxamide).
- 25 (2) Any compound structurally derived from
- 26 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
- 27 substitution at the nitrogen atom of the indole ring by alkyl,
- 28 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 29 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or
- 30 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
- 31 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether
- 32 or not further substituted in the indole ring to any extent and
- 33 whether or not substituted in the naphthyl ring to any extent.
- 34 (3) Any compound structurally derived from 3-(1-naphthoyl)
- 35 pyrrole by substitution at the nitrogen atom of the pyrrole ring by
- 36 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
- 37 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
- 38 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl,
- 39 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl
- 40 group, whether or not further substituted in the pyrrole ring to any
- 41 extent and whether or not substituted in the naphthyl ring to any
- 42 extent.



- 1 (4) Any compound structurally derived from  
2 1-(1-naphthylmethyl)indene by substitution at the 3-position of  
3 the indene ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,  
4 cycloalkylmethyl, cycloalkylethyl,  
5 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or  
6 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
7 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether  
8 or not further substituted in the indene ring to any extent and  
9 whether or not substituted in the naphthyl ring to any extent.
- 10 (5) Any compound structurally derived from 3-phenylacetylindole  
11 by substitution at the nitrogen atom of the indole ring with alkyl,  
12 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
13 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or  
14 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
15 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether  
16 or not further substituted in the indole ring to any extent and  
17 whether or not substituted in the phenyl ring to any extent.
- 18 (6) Any compound structurally derived from  
19 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position  
20 of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,  
21 cycloalkylmethyl, cycloalkylethyl,  
22 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or  
23 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
24 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether  
25 or not substituted in the cyclohexyl ring to any extent.
- 26 (7) Any compound containing a 3-(benzoyl)indole structure with  
27 substitution at the nitrogen atom of the indole ring by alkyl,  
28 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
29 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or  
30 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
31 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether  
32 or not further substituted in the indole ring to any extent and  
33 whether or not substituted in the phenyl ring to any extent.
- 34 (8) Any compound, except bupropion or a compound listed under  
35 a different schedule, structurally derived from  
36 2-aminopropan-1-one by substitution at the 1-position with either  
37 phenyl, naphthyl, or thiophene ring systems, whether or not the  
38 compound is further modified:
- 39 (A) by substitution in the ring system to any extent with alkyl,  
40 alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide  
41 substituents, whether or not further substituted in the ring  
42 system by one or more other univalent substituents;



- 1 (B) by substitution at the 3-position with an acyclic alkyl  
 2 substituent;
- 3 (C) by substitution at the 2-amino nitrogen atom with alkyl,  
 4 dialkyl, benzyl, or methoxybenzyl groups; or
- 5 (D) by inclusion of the 2-amino nitrogen atom in a cyclic  
 6 structure.
- 7 (9) Any compound structurally derived from 3-tetramethyl  
 8 cyclopropanoylindole with substitution at the nitrogen atom of the  
 9 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,  
 10 cycloalkylmethyl, cycloalkylethyl,  
 11 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl,  
 12 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-  
 13 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether  
 14 or not further substituted in the indole ring to any extent and  
 15 whether or not substituted in the tetramethylcyclopropyl ring to  
 16 any extent.
- 17 (10) Any compound containing a N-(1-adamantyl)-  
 18 1H-indazole-3-carboxamide structure with substitution at the  
 19 nitrogen atom of the indazole ring by an alkyl, haloalkyl,  
 20 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
 21 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,  
 22 1-(N-methyl-2-pyrrolidinyl) methyl,  
 23 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl  
 24 group, whether or not further substituted at the nitrogen atom of  
 25 the carboxamide to any extent, whether or not further substituted  
 26 in the indazole ring to any extent, and whether or not further  
 27 substituted on the adamantyl ring system to any extent. An  
 28 example of this structural class includes AKB48.
- 29 (11) Any compound containing a N-(1-adamantyl)-  
 30 1H-indole-3-carboxamide structure with substitution at the  
 31 nitrogen atom of the indole ring by an alkyl, haloalkyl,  
 32 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
 33 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,  
 34 1-(N-methyl-2-pyrrolidinyl) methyl,  
 35 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl  
 36 group, whether or not further substituted at the nitrogen atom of  
 37 the carboxamide to any extent, whether or not further substituted  
 38 in the indole ring to any extent, and whether or not further  
 39 substituted on the adamantyl ring system to any extent. An  
 40 example of this structural class includes STS-135.
- 41 (12) Any compound containing a 3-(1-adamantoyl)indole  
 42 structure with substitution at the nitrogen atom of the indole ring



1 by an alkyl; haloalkyl; cyanoalkyl; alkenyl; cycloalkylmethyl;  
 2 cycloalkylethyl; 1-(N-methyl-2- piperidinyl)methyl; or  
 3 2-(4-morpholinyl)ethyl; 1-(N-methyl-2- pyrrolidinyl)methyl;  
 4 1-(N-methyl-3-morpholinyl)methyl; or tetrahydropyranylmethyl  
 5 group; whether or not further substituted on the adamantyl ring  
 6 system to any extent. An example of this structural class includes  
 7 AM-1248.

8 (13) Any compound determined to be a synthetic drug by rule  
 9 adopted under IC 25-26-13-4.1.

10 SECTION 15. IC 35-31.5-2-321.5 IS REPEALED [EFFECTIVE  
 11 JULY 1, 2014]. Sec. 321.5: (a) "Synthetic drug lookalike substance",  
 12 except as provided in subsection (b); means one (1) or more of the  
 13 following:

14 (1) A substance, other than a synthetic drug; which any of the  
 15 factors listed in subsection (c) would lead a reasonable person to  
 16 believe to be a synthetic drug.

17 (2) A substance, other than a synthetic drug:

18 (A) that a person knows or should have known was intended  
 19 to be consumed; and

20 (B) the consumption of which the person knows or should  
 21 have known to be intended to cause intoxication.

22 (b) The term "synthetic drug lookalike substance" does not include  
 23 the following:

24 (1) Food and food ingredients (as defined in IC 6-2.5-1-20);

25 (2) Alcohol (as defined in IC 7.1-1-3-4);

26 (3) A legend drug (as defined in IC 16-18-2-199);

27 (4) Tobacco;

28 (5) A dietary supplement (as defined in IC 6-2.5-1-16);

29 (c) In determining whether a substance is a synthetic drug lookalike  
 30 substance; the following factors may be considered:

31 (1) The overall appearance of a dosage unit of the substance;  
 32 including its shape; color; size; markings or lack of markings;  
 33 taste; consistency; and any other identifying physical  
 34 characteristics;

35 (2) How the substance is packaged for sale or distribution;  
 36 including the shape; color; size; markings or lack of markings; and  
 37 any other identifying physical characteristics of the packaging;

38 (3) Any statement made by the owner or person in control of the  
 39 substance concerning the substance's nature; use; or effect.

40 (4) Any statement made to the buyer or recipient of the substance  
 41 suggesting or implying that the substance is a synthetic drug.

42 (5) Any statement made to the buyer or recipient of the substance



1 suggesting or implying that the substance may be resold for profit.

2 (6) The overall circumstances under which the substance is  
3 distributed, including whether:

4 (A) the distribution included an exchange of, or demand for,  
5 money or other property as consideration; and

6 (B) the amount of the consideration was substantially greater  
7 than the reasonable retail market value of the substance the  
8 seller claims the substance to be.

9 SECTION 16. IC 35-45-6-1, AS AMENDED BY P.L.196-2013,  
10 SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION  
11 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section  
13 apply throughout this chapter.

14 (b) "Documentary material" means any document, drawing,  
15 photograph, recording, or other tangible item containing compiled data  
16 from which information can be either obtained or translated into a  
17 usable form.

18 (c) "Enterprise" means:

19 (1) a sole proprietorship, corporation, limited liability company,  
20 partnership, business trust, or governmental entity; or

21 (2) a union, an association, or a group, whether a legal entity or  
22 merely associated in fact.

23 (d) "Pattern of racketeering activity" means engaging in at least two  
24 (2) incidents of racketeering activity that have the same or similar  
25 intent, result, accomplice, victim, or method of commission, or that are  
26 otherwise interrelated by distinguishing characteristics that are not  
27 isolated incidents. However, the incidents are a pattern of racketeering  
28 activity only if at least one (1) of the incidents occurred after August  
29 31, 1980, and if the last of the incidents occurred within five (5) years  
30 after a prior incident of racketeering activity.

31 (e) "Racketeering activity" means to commit, to attempt to commit,  
32 to conspire to commit a violation of, or aiding and abetting in a  
33 violation of any of the following:

34 (1) A provision of IC 23-19, or of a rule or order issued under  
35 IC 23-19.

36 (2) A violation of IC 35-45-9.

37 (3) A violation of IC 35-47.

38 (4) A violation of IC 35-49-3.

39 (5) Murder (IC 35-42-1-1).

40 (6) Battery as a Class C felony before July 1, 2014, or a Level 5  
41 felony after June 30, 2014 (IC 35-42-2-1).

42 (7) Kidnapping (IC 35-42-3-2).



- 1 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 2 (9) Child exploitation (IC 35-42-4-4).
- 3 (10) Robbery (IC 35-42-5-1).
- 4 (11) Carjacking (IC 35-42-5-2) ~~(repeated)~~. **(before its repeal)**.
- 5 (12) Arson (IC 35-43-1-1).
- 6 (13) Burglary (IC 35-43-2-1).
- 7 (14) Theft (IC 35-43-4-2).
- 8 (15) Receiving stolen property (IC 35-43-4-2).
- 9 (16) Forgery (IC 35-43-5-2).
- 10 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 11 (18) Bribery (IC 35-44.1-1-2).
- 12 (19) Official misconduct (IC 35-44.1-1-1).
- 13 (20) Conflict of interest (IC 35-44.1-1-4).
- 14 (21) Perjury (IC 35-44.1-2-1).
- 15 (22) Obstruction of justice (IC 35-44.1-2-2).
- 16 (23) Intimidation (IC 35-45-2-1).
- 17 (24) Promoting prostitution (IC 35-45-4-4).
- 18 (25) Professional gambling (IC 35-45-5-3).
- 19 (26) Maintaining a professional gambling site
- 20 (IC 35-45-5-3.5(b)).
- 21 (27) Promoting professional gambling (IC 35-45-5-4).
- 22 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 23 (IC 35-48-4-1).
- 24 (29) Dealing in or manufacturing methamphetamine
- 25 (IC 35-48-4-1.1).
- 26 (30) Dealing in a schedule I, II, or III controlled substance
- 27 (IC 35-48-4-2).
- 28 (31) Dealing in a schedule IV controlled substance
- 29 (IC 35-48-4-3).
- 30 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 31 (33) Dealing in marijuana, hash oil, hashish, **or** salvia **or** a
- 32 **synthetic cannabinoid** (IC 35-48-4-10).
- 33 (34) Money laundering (IC 35-45-15-5).
- 34 (35) A violation of IC 35-47.5-5.
- 35 (36) A violation of any of the following:
- 36 (A) IC 23-14-48-9.
- 37 (B) IC 30-2-9-7(b).
- 38 (C) IC 30-2-10-9(b).
- 39 (D) IC 30-2-13-38(f).
- 40 (37) Practice of law by a person who is not an attorney
- 41 (IC 33-43-2-1).
- 42 (38) *Dealing in a synthetic drug or synthetic drug lookalike*



1           *substance (IC 35-48-4-10.5 (before its repeal), or IC 35-48-4-10*  
 2           *before its amendment in 2013).*

3           SECTION 17. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013,  
 4           SECTION 619, IS AMENDED TO READ AS FOLLOWS  
 5           [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance"  
 6           means one (1) or more of the following:

7           (1) The person has a prior conviction for dealing in a controlled  
 8           substance that is not marijuana, hashish, hash oil, **or** salvia.  
 9           ~~divinorum, or a synthetic drug.~~

10          (2) The person committed the offense while in possession of a  
 11          firearm.

12          (3) The person committed the offense:

13           (A) on a school bus; or

14           (B) in, on, or within five hundred (500) feet of:

15           (i) school property while a person under eighteen (18) years  
 16           of age was reasonably expected to be present; or

17           (ii) a public park while a person under eighteen (18) years  
 18           of age was reasonably expected to be present.

19          (4) The person delivered or financed the delivery of the drug to a  
 20          person under eighteen (18) years of age at least three (3) years  
 21          junior to the person.

22          (5) The person manufactured or financed the manufacture of the  
 23          drug.

24          SECTION 18. IC 35-48-2-4, AS AMENDED BY P.L.283-2013,  
 25          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26          JULY 1, 2014]: Sec. 4. (a) The controlled substances listed in this  
 27          section are included in schedule I.

28          (b) Opiates. Any of the following opiates, including their isomers,  
 29          esters, ethers, salts, and salts of isomers, esters, and ethers, unless  
 30          specifically excepted by rule of the board or unless listed in another  
 31          schedule, whenever the existence of these isomers, esters, ethers, and  
 32          salts is possible within the specific chemical designation:

33           Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
 34           piperidinyl]-N-phenylacetamide) (9815)

35           Acetylmethadol (9601)

36           Allylprodine (9602)

37           Alpha-methylthiofentanyl (N-[1-methyl-2-(2-  
 38           thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)

39           Alphacetylmethadol (9603)

40           Alphameprodine (9604)

41           Alphamethadol (9605)

42           Alphamethylfentanyl (9814)





1	Benzethidine (9606)
2	Beta-hydroxy-3-methylfentanyl (9831). Other name:
3	N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
4	]-N-phenylpropanamide
5	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
6	phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
7	Betacetylmethadol (9607)
8	Betameprodine (9608)
9	Betamethadol (9609)
10	Betaprodine (9611)
11	Clonitazene (9612)
12	Dextromoramide (9613)
13	Diampromide (9615)
14	Diethylthiambutene (9616)
15	Difenoxin (9168)
16	Dimenoxadol (9617)
17	Dimepheptanol (9618)
18	Dimethylthiambutene (9619)
19	Dioxaphetyl butyrate (9621)
20	Dipipanone (9622)
21	Ethylmethylthiambutene (9623)
22	Etonitazene (9624)
23	Etoxidine (9625)
24	Furethidine (9626)
25	Hydroxypethidine (9627)
26	Ketobemidone (9628)
27	Levomoramide (9629)
28	Levophenacymorphan (9631)
29	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
30	piperidyl]-N-phenyl-propanimide](9813)
31	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
32	piperidinyl]-N-phenylpropanamide) (9833)
33	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
34	Morpheridine (9632)
35	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
36	including any isomers, salts, or salts of isomers (9818)
37	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
38	(thenylfentanyl), including any isomers, salts, or salts of isomers
39	(9834)
40	Noracymethadol (9633)
41	Norlevorphanol (9634)
42	Normethadone (9635)



- 1 Norpipanone (9636)
- 2 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
- 3 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
- 4 Phenadoxone (9637)
- 5 Phenampromide (9638)
- 6 Phenomorphan (9647)
- 7 Phenoperidine (9641)
- 8 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
- 9 Piritramide (9642)
- 10 Proheptazine (9643)
- 11 Properidine (9644)
- 12 Propiram (9649)
- 13 Racemoramide (9645)
- 14 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 15 piperidinyl]-propanamide) (9835)
- 16 Tilidine (9750)
- 17 Trimeperidine (9646)
- 18 (c) Opium derivatives. Any of the following opium derivatives, their
- 19 salts, isomers, and salts of isomers, unless specifically excepted by rule
- 20 of the board or unless listed in another schedule, whenever the
- 21 existence of these salts, isomers, and salts of isomers is possible within
- 22 the specific chemical designation:
- 23 Acetorphine (9319)
- 24 Acetyldihydrocodeine (9051)
- 25 Benzylmorphine (9052)
- 26 Codeine methylbromide (9070)
- 27 Codeine-N-Oxide (9053)
- 28 Cyprenorphine (9054)
- 29 Desomorphine (9055)
- 30 Dihydromorphine (9145)
- 31 Drotebanol (9335)
- 32 Etorphine (except hydrochloride salt) (9056)
- 33 Heroin (9200)
- 34 Hydromorphanol (9301)
- 35 Methyldesorphine (9302)
- 36 Methyldihydromorphine (9304)
- 37 Morphine methylbromide (9305)
- 38 Morphine methylsulfonate (9306)
- 39 Morphine-N-Oxide (9307)
- 40 Myrophine (9308)
- 41 Nicocodeine (9309)
- 42 Nicomorphine (9312)



- 1 Normorphine (9313)  
 2 Pholcodine (9314)  
 3 Thebacon (9315)  
 4 (d) Hallucinogenic substances. Unless specifically excepted or  
 5 unless listed in another schedule, any material, compound, mixture, or  
 6 preparation which contains any quantity of the following  
 7 hallucinogenic, psychedelic, or psychogenic substances, their salts,  
 8 isomers, and salts of isomers whenever the existence of these salts,  
 9 isomers, and salts of isomers is possible within the specific chemical  
 10 designation (for purposes of this subsection only, the term "isomer"  
 11 includes the optical, position, and geometric isomers):  
 12 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:  
 13 TCPy.  
 14 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or  
 15 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;  
 16 4-Bromo-2, 5-DMA.  
 17 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade  
 18 or other names:  
 19 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;  
 20 alpha-desmethyl DOB; 2C-B, Nexus.  
 21 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:  
 22 DOET.  
 23 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).  
 24 Other name: 2C-T-7.  
 25 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other  
 26 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.  
 27 (7) 4-Methoxyamphetamine (7411). Some trade or other names:  
 28 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;  
 29 PMA.  
 30 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other  
 31 Name: MMDA.  
 32 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any  
 33 isomers, salts, or salts of isomers (7439). Other name:  
 34 5-MeO-DIPT.  
 35 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade  
 36 and other names: 4-methyl-2,  
 37 5-dimethoxy-a-methylphenethylamine; DOM; and STP.  
 38 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:  
 39 MDA.  
 40 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other  
 41 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)  
 42 phenethylamine; N-ethyl MDA; MDE; and MDEA.



- 1 (13) 3, 4-methylenedioxyamphetamine (MDMA) (7405).  
 2 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.  
 3 (15) Alpha-ethyltryptamine (7249). Some trade and other names:  
 4 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;  
 5 3-(2-aminobutyl) indole; [alpha]-ET; and AET.  
 6 (16) Alpha-methyltryptamine (7432). Other name: AMT.  
 7 (17) Bufotenine (7433). Some trade and other names:  
 8 3-(B-Dimethylaminoethyl)-5-hydroxyindole;  
 9 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;  
 10 5-hydroxy-N, N-dimethyltryptamine; mappine.  
 11 (18) Diethyltryptamine (7434). Some trade or other names: N,  
 12 N-Diethyltryptamine; DET.  
 13 (19) Dimethyltryptamine (7435). Some trade or other names:  
 14 DMT.  
 15 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,  
 16 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido  
 17 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.  
 18 (21) Lysergic acid diethylamide (7315). Other name: LSD.  
 19 (22) Marijuana (7360).  
 20 (23) Mescaline (7381).  
 21 (24) Parahexyl (7374). Some trade or other names:  
 22 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,  
 23 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.  
 24 (25) Peyote (7415), including:  
 25 (A) all parts of the plant that are classified botanically as  
 26 lophophora williamsii lemaire, whether growing or not;  
 27 (B) the seeds thereof;  
 28 (C) any extract from any part of the plant; and  
 29 (D) every compound, manufacture, salt, derivative, mixture, or  
 30 preparation of the plant, its seeds, or extracts.  
 31 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.  
 32 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other  
 33 names: N-hydroxy-alpha-methyl-3,4  
 34 (methylenedioxy)phenethylamine; and N-hydroxy MDA.  
 35 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.  
 36 (29) Psilocybin (7437).  
 37 (30) Psilocyn (7438).  
 38 (31) Tetrahydrocannabinols (7370), including synthetic  
 39 equivalents of the substances contained in the plant, or in the  
 40 resinous extractives of Cannabis, sp. and synthetic substances,  
 41 derivatives, and their isomers with similar chemical structure and  
 42 pharmacological activity such as:



- 1 (A)  $\pi^1$  cis or trans tetrahydrocannabinol, and their optical  
 2 isomers;  
 3 (B)  $\pi^6$  cis or trans tetrahydrocannabinol, and their optical  
 4 isomers; and  
 5 (C)  $\pi^{3,4}$  cis or trans tetrahydrocannabinol, and their optical  
 6 isomers.
- 7 Since nomenclature of these substances is not internationally  
 8 standardized, compounds of these structures, regardless of  
 9 numerical designation of atomic positions are covered. Other  
 10 name: THC.
- 11 (32) Ethylamine analog of phencyclidine (7455). Some trade or  
 12 other names: N-Ethyl-1-phenylcyclohexylamine;  
 13 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)  
 14 ethylamine; cyclohexamine; PCE.
- 15 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or  
 16 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP<sub>y</sub>; PHP.
- 17 (34) Thiophene analog of phencyclidine (7470). Some trade or  
 18 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl  
 19 Analog of Phencyclidine; TPCP.
- 20 (35) Synthetic drugs (as defined in IC 35-31.5-2-321): A  
 21 **substance containing:**
- 22 (A) **one (1) or more of the following chemical compounds,**  
 23 **including an analog of the compound:**
- 24 (i) JWH-015 ((2-Methyl-1-propyl-1H-  
 25 indol-3-yl)-1-naphthalenylmethanone).
- 26 (ii) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
- 27 (iii) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
- 28 (iv) JWH-073  
 29 (naphthalen-1-yl-(1-butylyndol-3-yl)methanone).
- 30 (v) JWH-081 (4-methoxynaphthalen- 1-yl-  
 31 (1-pentylyndol- 3-yl)methanone).
- 32 (vi) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- 33 (vii) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-  
 34 naphthalen-1-yl-methanone).
- 35 (viii) JWH-250 (1-pentyl-3-  
 36 (2-methoxyphenylacetyl)indole).
- 37 (ix) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
- 38 (x) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 39 (xi) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-  
 40 6,6-dimethyl- 3-(2-methyloctan-2-yl)-  
 41 6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).
- 42 (xii) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-



- 1 6,6-dimethyl-3-(2-methyloctan-2-yl)-  
 2 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).  
 3 (xiii) HU-308 ([ (1R,2R,5R)-2-[2,6-dimethoxy-4-  
 4 (2-methyloctan-2-yl)phenyl]-  
 5 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).  
 6 (xiv) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-  
 7 (1-methylethenyl)-2-cyclohexen-1-yl]-5  
 8 -pentyl-2,5-cyclohexadiene-1,4-dione).  
 9 (xv) CP 55,940  
 10 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)  
 11 cyclohexyl]-5-(2-methyloctan-2-yl)phenol).  
 12 (xvi) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-  
 13 (2-methyloctan-2-yl)phenol) and its homologues, or  
 14 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)  
 15 phenol), where side chain n=5, and homologues where  
 16 side chain n=4, 6, or 7.  
 17 (xvii) WIN 55212-2  
 18 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)  
 19 pyrrolo [1,2,3-de)-1,4-benzoxazin-  
 20 6-yl]-1-naphthalenylmethanone).  
 21 (xviii) RCS-4 ((4-methoxyphenyl)  
 22 (1-pentyl-1H-indol-3-yl)methanone).  
 23 (xix) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-  
 24 indol-3-yl)-2-(2-methoxyphenyl)ethanone).  
 25 (xx) 4-Methylmethcathinone. Other name: mephedrone.  
 26 (xxi) 3,4-Methylenedioxy-methcathinone. Other name:  
 27 methylone.  
 28 (xxii) Fluoromethcathinone.  
 29 (xxiii) 4-Methoxymethcathinone. Other name:  
 30 methedrone.  
 31 (xxiv) 4-Ethylmethcathinone (4-EMC).  
 32 (xxv) Methylenedioxy-pyrovalerone. Other name: MDPV.  
 33 (xxvi) JWH-007, or 1-pentyl-2-  
 34 methyl-3-(1-naphthoyl)indole.  
 35 (xxvii) JWH-098, or  
 36 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.  
 37 (xxviii) JWH-164, or  
 38 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.  
 39 (xxix) JWH-210, or 1-pentyl-3-  
 40 (4-ethyl-1-naphthoyl)indole.  
 41 (xxx) JWH-201, or  
 42 1-pentyl-3-(4-methoxyphenylacetyl)indole.



- 1 (xxxix) JWH-203, or 1-pentyl-3-  
 2 (2-chlorophenylacetyl)indole.  
 3 (xxxii) AM-694, or  
 4 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
 5 (xxxiii) CP 50,556-1, or  
 6 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phen-  
 7 ylpe  
 8 ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthri-  
 9 din-1-yl] acetate.  
 10 (xxxiv) Dimethylheptylpyran, or DMHP.  
 11 (xxxv) 4-Methyl-alpha-pyrrolidinobutiophenone, or  
 12 MPBP.  
 13 (xxxvi) 6-APB [6-(2-aminopropyl)benzofuran].  
 14 (xxxvii) 7-hydroxymitragynine.  
 15 (xxxviii)  $\alpha$ -PPP [ $\alpha$ -pyrrolidinopropiophenone].  
 16 (xxxix)  $\alpha$ -PVP (desmethylpyrovalerone).  
 17 (xl) AM-251.  
 18 (xli) AM-1241.  
 19 (xlii) AM-2201.  
 20 (xliii) AM-2233.  
 21 (xliv) Buphedrone.  
 22 (xlv) Butylone.  
 23 (xlvi) CP-47,497-C7.  
 24 (xlvii) CP-47,497-C8.  
 25 (xlviii) Desoxypipradol.  
 26 (xlix) Ethylone.  
 27 (l) Eutylone.  
 28 (li) Flephedrone.  
 29 (lii) JWH-011.  
 30 (liii) JWH-020.  
 31 (liv) JWH-022.  
 32 (lv) JWH-030.  
 33 (lvi) JWH-182.  
 34 (lvii) JWH-302.  
 35 (lviii) MDAI [5,6-methylenedioxy-2-aminoindane].  
 36 (lvix) Mitragynine.  
 37 (lx) Naphyrone.  
 38 (lxi) Pentedrone.  
 39 (lxii) Pentylone.  
 40 (lxiii) Methoxetamine  
 41 [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].  
 42 (lxiv) A 796,260 [1-(2-morpholin-4-



- 1 y l e t h y l ) - 1 H - i n d o l - 3 - y l ] - ( 2 , 2 , 3 , 3 -  
 2 tetramethylcyclopropyl)methanone].  
 3 ( l x v ) A B - 0 0 1 [ ( 1 s , 3 s ) - a d m a n t a n - 1 - y l ]  
 4 ( 1 - p e n t y l - 1 H - i n d o l - 3 - y l ) m e t h a n o n e ] o r [ 1 - P e n t y l - 3 -  
 5 ( 1 - a d a m a n t o y l ) i n d o l e ] .  
 6 ( l x v i ) A M - 3 5 6 [ M e t h a n a n d a m i d e ] .  
 7 ( l x v i i ) A M 1 2 4 8 [ 1 - [ ( 1 - m e t h y l - 2 - p i p e r i d i n y l ) m e t h y l ] -  
 8 1 H - i n d o l - 3 - y l ] t r i c y c l o [ 3 . 3 . 1 . 1 3 . 7 ] d e c - 1 - y l - m e t h a n o n e ] o r  
 9 [ 1 - [ ( N - m e t h y l p i p e r i n d i n - 2 - y l )  
 10 M e t h y l ] - 3 - ( A d a m a n t - 1 - o y l ) i n d o l e ] .  
 11 ( l x v i i i ) A M 2 2 3 3 A z e p a n e i s o m e r [ ( 2 - i o d o p h e n y l )  
 12 ( 1 - ( 1 - m e t h y l a z e p a n - 3 - y l ) - 1 H - i n d o l - 3 - y l ) m e t h a n o n e ] .  
 13 ( l x i x ) C B - 1 3 [ 1 - N a p h t h a l e n y l [ 4 - ( p e n t y o x y ) -  
 14 1 - n a p h t h a l e n y l ] m e t h a n o n e ] .  
 15 ( l x x ) U R - 1 4 4 [ ( 1 - p e n t y l - 1 H - i n d o l - 3 - y l )  
 16 ( 2 , 2 , 3 , 3 - t e t r a m e t h y l c y c l o p r o p y l ) - m e t h a n o n e ] .  
 17 ( l x x i ) U R B 5 9 7 [ ( 3 ' - ( a m i n o c a r b o n y l )  
 18 [ 1 , 1 ' - b i p h e n y l ] - 3 - y l ) - c y c l o h e x y l c a r b a m a t e ] .  
 19 ( l x x i i ) U R B 6 0 2 [ [ 1 , 1 ' - b i p h e n y l ] - 3 - y l - c a r b a m i c a c i d ,  
 20 c y c l o h e x y l e s t e r ] .  
 21 ( l x x i i i ) U R B 7 5 4 [ 6 - m e t h y l - 2 - [ ( 4 - m e t h y l p h e n y l )  
 22 a m i n o ] - 1 - b e n z o x a z i n - 4 - o n e ] .  
 23 ( l x x i v ) X L R - 1 1 o r 5 - f l u o r o U R - 1 4 4  
 24 ( 1 - ( 5 - f l u o r o p e n t y l ) - 1 H - i n d o l - 3 - y l )  
 25 ( 2 , 2 , 3 , 3 - t e t r a m e t h y l c y c l o p r o p y l ) m e t h a n o n e ] .  
 26 ( l x x v ) A K B 4 8 ( O t h e r n a m e s i n c l u d e :  
 27 N - A d a m a n t y l - 1 - p e n t y l - 1 H - I n d a z o l e - 3 - c a r b o x a m i d e ;  
 28 1 - p e n t y l - N - t r i c y c l o [ 3 . 3 . 1 . 1 3 . 7 ] d e c - 1 - y l - 1 H - i n d a z o l e - 3 -  
 29 c a r b o x a m i d e ) .  
 30 ( l x x v i ) 2 5 I - N B O M e ( O t h e r n a m e s i n c l u d e :  
 31 4 - I o d o - 2 , 5 - d i m e t h o x y - N - [ ( 2 - m e t h o x y p h e n y l ) m e t h y l ] -  
 32 b e n z e n e e t h a n a m i n e ) ; 2 - ( 4 - i o d o -  
 33 2 , 5 - d i m e t h o x y p h e n y l ) - N - [ ( 2 - m e t h o x y p h e n y l )  
 34 m e t h y l ] e t h a n a m i n e ) .  
 35 ( l x x v i i ) 2 C - C - N B O M e ( O t h e r n a m e s i n c l u d e :  
 36 2 5 C - N B O M e ; 2 - ( 4 - c h l o r o - 2 , 5 -  
 37 d i m e t h o x y p h e n y l ) - N - [ ( 2 - m e t h o x y p h e n y l )  
 38 m e t h y l ] e t h a n a m i n e ;  
 39 2 , 5 - D i m e t h o x y - 4 - c h l o r o - N - ( 2 - m e t h o x y b e n z y l )  
 40 p h e n e t h y l a m i n e ) .  
 41 ( l x x v i i i ) 2 N E - 1 ( O t h e r n a m e s i n c l u d e : 1 - P e n t y l - 3 -  
 42 ( 1 - a d a m a n t y l a m i d o ) i n d o l e ) .





1 (lxxix) STS-135 (Other names include:  
2 N-Adamantyl-1-fluoropentylindole-3- carboxamide  
3 (1-5-fluoropentyl)-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-  
4 indole-3-carboxamide).

5 (B) Any compound structurally derived from  
6 3-(1-naphthoyl)indole or 1H-indol-3-yl-  
7 (1-naphthyl)methane by substitution at the nitrogen atom  
8 of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,  
9 cycloalkylmethyl, cycloalkylethyl,  
10 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
11 or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
12 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
13 whether or not further substituted in the indole ring to any  
14 extent and whether or not substituted in the naphthyl ring  
15 to any extent.

16 (C) Any compound structurally derived from  
17 3-(1-naphthoyl) pyrrole by substitution at the nitrogen  
18 atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl,  
19 alkenyl, cycloalkylmethyl, cycloalkylethyl,  
20 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
21 or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
22 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
23 whether or not further substituted in the pyrrole ring to  
24 any extent and whether or not substituted in the naphthyl  
25 ring to any extent.

26 (D) Any compound structurally derived from  
27 1-(1-naphthylmethyl)indene by substitution at the  
28 3-position of the indene ring by alkyl, haloalkyl,  
29 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
30 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
31 or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
32 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
33 whether or not further substituted in the indene ring to  
34 any extent and whether or not substituted in the naphthyl  
35 ring to any extent.

36 (E) Any compound structurally derived from  
37 3-phenylacetylindole by substitution at the nitrogen atom  
38 of the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl,  
39 cycloalkylmethyl, cycloalkylethyl,  
40 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
41 or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
42 morpholinyl)methyl, or tetrahydropyranylmethyl group,



- 1 whether or not further substituted in the indole ring to any  
2 extent and whether or not substituted in the phenyl ring to  
3 any extent.
- 4 (F) Any compound structurally derived from  
5 2-(3-hydroxycyclohexyl)phenol by substitution at the  
6 5-position of the phenolic ring by alkyl, haloalkyl,  
7 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
8 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
9 or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
10 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
11 whether or not substituted in the cyclohexyl ring to any  
12 extent.
- 13 (G) Any compound containing a 3-(benzoyl)indole  
14 structure with substitution at the nitrogen atom of the  
15 indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,  
16 cycloalkylmethyl, cycloalkylethyl,  
17 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,  
18 or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
19 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
20 whether or not further substituted in the indole ring to any  
21 extent and whether or not substituted in the phenyl ring to  
22 any extent.
- 23 (H) Any compound, except bupropion or a compound  
24 listed under a different schedule, structurally derived from  
25 2-aminopropan-1-one by substitution at the 1-position with  
26 either phenyl, naphthyl, or thiophene ring systems,  
27 whether or not the compound is further modified:
- 28 (i) by substitution in the ring system to any extent with  
29 alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or  
30 halide substituents, whether or not further substituted in  
31 the ring system by one or more other univalent  
32 substituents;
- 33 (ii) by substitution at the 3-position with an acyclic alkyl  
34 substituent;
- 35 (iii) by substitution at the 2-amino nitrogen atom with  
36 alkyl, dialkyl, benzyl, or methoxybenzyl groups; or  
37 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic  
38 structure.
- 39 (I) Any compound structurally derived from 3-tetramethyl  
40 cyclopropanoylindole with substitution at the nitrogen  
41 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
42 alkenyl, cycloalkylmethyl, cycloalkylethyl,



1 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl,  
2 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-  
3 morpholinyl)methyl, or tetrahydropyranylmethyl group,  
4 whether or not further substituted in the indole ring to any  
5 extent and whether or not substituted in the  
6 tetramethylcyclopropyl ring to any extent.

7 (J) Any compound containing a N-(1-adamantyl)-  
8 1H-indazole-3-carboxamide structure with substitution at  
9 the nitrogen atom of the indazole ring by an alkyl,  
10 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,  
11 cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,  
13 1-(N-methyl-3-morpholinyl) methyl, or  
14 tetrahydropyranylmethyl group, whether or not further  
15 substituted at the nitrogen atom of the carboxamide to any  
16 extent, whether or not further substituted in the indazole  
17 ring to any extent, and whether or not further substituted  
18 on the adamantyl ring system to any extent. An example of  
19 this structural class includes AKB48.

20 (K) Any compound containing a N-(1-adamantyl)-  
21 1H-indole-3-carboxamide structure with substitution at the  
22 nitrogen atom of the indole ring by an alkyl, haloalkyl,  
23 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
24 1-(N-methyl-2- piperidinyl) methyl, or  
25 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,  
26 1-(N-methyl-3-morpholinyl) methyl, or  
27 tetrahydropyranylmethyl group, whether or not further  
28 substituted at the nitrogen atom of the carboxamide to any  
29 extent, whether or not further substituted in the indole  
30 ring to any extent, and whether or not further substituted  
31 on the adamantyl ring system to any extent. An example of  
32 this structural class includes STS-135.

33 (L) Any compound containing a 3-(1-adamantoyl)indole  
34 structure with substitution at the nitrogen atom of the  
35 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,  
36 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
37 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,  
38 1-(N-methyl-2- pyrrolidinyl) methyl,  
39 1-(N-methyl-3-morpholinyl) methyl, or  
40 tetrahydropyranylmethyl group, whether or not further  
41 substituted on the adamantyl ring system to any extent. An  
42 example of this structural class includes AM-1248.



- 1                   **(M) Any compound determined to be:**  
 2                   **(i) a controlled substance by rule adopted under**  
 3                   **IC 25-26-13-4.1 after June 30, 2014; or**  
 4                   **(ii) a synthetic drug by rule adopted under**  
 5                   **IC 25-26-13-4.1 before July 1, 2014.**
- 6                   (36) *Salvia divinorum* or salvinin A, including:  
 7                   (A) all parts of the plant that are classified botanically as *salvia*  
 8                   *divinorum*, whether growing or not;  
 9                   (B) the seeds of the plant;  
 10                   (C) any extract from any part of the plant; and  
 11                   (D) every compound, manufacture, salt, derivative, mixture, or  
 12                   preparation of the plant, its seeds, or extracts.
- 13                   (37) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other  
 14                   names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;  
 15                   5-MeO-DMT.
- 16                   (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).  
 17                   (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).  
 18                   (40) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).  
 19                   (41) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).  
 20                   (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).  
 21                   (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine  
 22                   (2C-T-4).  
 23                   (44) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).  
 24                   (45) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).  
 25                   (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).
- 26                   (e) Depressants. Unless specifically excepted in a rule adopted by  
 27                   the board or unless listed in another schedule, any material, compound,  
 28                   mixture, or preparation which contains any quantity of the following  
 29                   substances having a depressant effect on the central nervous system,  
 30                   including its salts, isomers, and salts of isomers whenever the existence  
 31                   of such salts, isomers, and salts of isomers is possible within the  
 32                   specific chemical designation:  
 33                   Gamma-hydroxybutyric acid (other names include GHB;  
 34                   gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium  
 35                   oxybate; sodium oxybutyrate) (2010)  
 36                   Mecloqualone (2572)  
 37                   Methaqualone (2565)
- 38                   (f) Stimulants. Unless specifically excepted or unless listed in  
 39                   another schedule, any material, compound, mixture, or preparation that  
 40                   contains any quantity of the following substances having a stimulant  
 41                   effect on the central nervous system, including its salts, isomers, and  
 42                   salts of isomers:



- 1 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-  
 2 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)  
 3 Aminorex (1585). Other names: aminoxaphen;  
 4 2-amino-5-phenyl-2-oxazoline; or  
 5 4,5-dihydro-5-phenyl-2-oxazolamine.  
 6 Cathinone (1235). Some trade or other names:  
 7 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;  
 8 2-aminopropiophenone; and norephedrone.  
 9 Fenethylamine (1503).  
 10 N-Benzylpiperazine (7493). Other names: BZP; and  
 11 1-benzylpiperazine.  
 12 N-ethylamphetamine (1475)  
 13 Methcathinone (1237) Some other trade names:  
 14 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;  
 15 Monomethylpropion; UR 1431.  
 16 N, N-dimethylamphetamine (1480). Other names: N,  
 17 N-alpha-trimethyl-benzeneethanamine; and N,  
 18 N-alpha-trimethylphenethylamine.
- 19 SECTION 19. IC 35-48-4-2, AS AMENDED BY P.L.158-2013,  
 20 SECTION 624, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:  
 22 (1) knowingly or intentionally:  
 23 (A) manufactures;  
 24 (B) finances the manufacture of;  
 25 (C) delivers; or  
 26 (D) finances the delivery of;  
 27 a controlled substance, pure or adulterated, classified in schedule  
 28 I, II, or III, except marijuana, hash oil, hashish, **or** salvia; ~~or a~~  
 29 ~~synthetic cannabinoid;~~ or  
 30 (2) possesses, with intent to:  
 31 (A) manufacture;  
 32 (B) finance the manufacture of;  
 33 (C) deliver; or  
 34 (D) finance the delivery of;  
 35 a controlled substance, pure or adulterated, classified in schedule  
 36 I, II, or III, except marijuana, hash oil, hashish, **or** salvia; ~~or a~~  
 37 ~~synthetic cannabinoid;~~  
 38 commits dealing in a schedule I, II, or III controlled substance, a Level  
 39 5 felony, except as provided in subsections (b) through (d).  
 40 (b) The offense is a Level 4 felony if:  
 41 (1) the amount of the drug involved is at least three (3) but less  
 42 than ten (10) grams; or



- 1 (2) the amount of the drug involved is less than three (3) grams  
 2 and an enhancing circumstance applies.  
 3 (c) The offense is a Level 3 felony if:  
 4 (1) the amount of the drug involved is at least ten (10) but less  
 5 than twenty-eight (28) grams; or  
 6 (2) the amount of the drug involved is at least three (3) but less  
 7 than ten (10) grams and an enhancing circumstance applies.  
 8 (d) The offense is a Level 2 felony if:  
 9 (1) the amount of the drug involved is at least twenty-eight (28)  
 10 grams; or  
 11 (2) the amount of the drug involved is at least ten (10) but less  
 12 than twenty-eight (28) grams and an enhancing circumstance  
 13 applies.

14 SECTION 20. IC 35-48-4-7, AS AMENDED BY P.L.158-2013,  
 15 SECTION 633, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who, without a valid  
 17 prescription or order of a practitioner acting in the course of the  
 18 practitioner's professional practice, knowingly or intentionally  
 19 possesses a controlled substance (pure or adulterated) classified in  
 20 schedule I, II, III, or IV, except marijuana, **hash oil**, hashish, **or** salvia,  
 21 ~~or a synthetic cannabinoid~~, commits possession of a controlled  
 22 substance, a Class A misdemeanor, except as provided in subsection  
 23 (b).

24 (b) The offense is a Level 6 felony if the person commits the offense  
 25 and an enhancing circumstance applies.

26 (c) A person who, without a valid prescription or order of a  
 27 practitioner acting in the course of the practitioner's professional  
 28 practice, knowingly or intentionally obtains:

- 29 (1) more than four (4) ounces of schedule V controlled substances  
 30 containing codeine in any given forty-eight (48) hour period  
 31 unless pursuant to a prescription;  
 32 (2) a schedule V controlled substance pursuant to written or  
 33 verbal misrepresentation; or  
 34 (3) possession of a schedule V controlled substance other than by  
 35 means of a prescription or by means of signing an exempt  
 36 narcotic register maintained by a pharmacy licensed by the  
 37 Indiana state board of pharmacy;  
 38 commits a Class A misdemeanor.

39 SECTION 21. IC 35-48-4-8.5, AS AMENDED BY P.L.158-2013,  
 40 SECTION 636, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2014]: Sec. 8.5. (a) A person who keeps for  
 42 sale, offers for sale, delivers, or finances the delivery of a raw material,



1 an instrument, a device, or other object that is intended to be or that is  
2 designed or marketed to be used primarily for:

- 3 (1) ingesting, inhaling, or otherwise introducing into the human  
4 body marijuana, hash oil, hashish, salvia, a ~~synthetic drug~~, or a  
5 controlled substance;  
6 (2) testing the strength, effectiveness, or purity of marijuana, hash  
7 oil, hashish, salvia, a ~~synthetic drug~~, or a controlled substance;  
8 (3) enhancing the effect of a controlled substance;  
9 (4) manufacturing, compounding, converting, producing,  
10 processing, or preparing marijuana, hash oil, hashish, salvia, a  
11 ~~synthetic drug~~, or a controlled substance;  
12 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a  
13 ~~synthetic drug~~, or a controlled substance by individuals; or  
14 (6) any purpose announced or described by the seller that is in  
15 violation of this chapter;

16 commits a Class A infraction for dealing in paraphernalia.

17 (b) A person who knowingly or intentionally violates subsection (a)  
18 commits a Class A misdemeanor. However, the offense is a Level 6  
19 felony if the person has a prior unrelated judgment or conviction under  
20 this section.

21 (c) This section does not apply to the following:

- 22 (1) Items marketed for use in the preparation, compounding,  
23 packaging, labeling, or other use of marijuana, hash oil, hashish,  
24 salvia, a synthetic drug, or a controlled substance as an incident  
25 to lawful research, teaching, or chemical analysis and not for sale.  
26 (2) Items marketed for or historically and customarily used in  
27 connection with the planting, propagating, cultivating, growing,  
28 harvesting, manufacturing, compounding, converting, producing,  
29 processing, preparing, testing, analyzing, packaging, repackaging,  
30 storing, containing, concealing, injecting, ingesting, or inhaling  
31 of tobacco or any other lawful substance.

32 SECTION 22. IC 35-48-4-10.5 IS REPEALED [EFFECTIVE JULY  
33 1, 2014]. ~~Sec. 10.5: (a) A person who:~~

- 34 ~~(1) manufactures;~~  
35 ~~(2) finances the manufacture of;~~  
36 ~~(3) delivers;~~  
37 ~~(4) finances the delivery of;~~  
38 ~~(5) possesses, with intent to deliver; or~~  
39 ~~(6) possesses, with intent to finance the delivery of;~~

40 a synthetic drug or a synthetic drug lookalike substance commits  
41 dealing in a synthetic drug or synthetic drug lookalike substance, a  
42 Class A infraction. However, the offense is a Class D felony if the



1 offense is committed knowingly or intentionally and the person has a  
 2 prior unrelated judgment or conviction under this subsection.

3 (b) A person who:

4 (1) knowingly or intentionally:

5 (A) manufactures;

6 (B) finances the manufacture of;

7 (C) delivers; or

8 (D) finances the delivery of;

9 a synthetic drug or synthetic drug lookalike substance; or

10 (2) possesses; with intent to:

11 (A) manufacture;

12 (B) finance the manufacture of;

13 (C) deliver; or

14 (D) finance the delivery of;

15 a synthetic drug or synthetic drug lookalike substance;

16 commits dealing in a synthetic drug or synthetic drug lookalike  
 17 substance; a Class A misdemeanor; except as provided in subsection  
 18 (e).

19 (c) The offense in subsection (b) is:

20 (1) a Class D felony if:

21 (A) the recipient or intended recipient is less than eighteen  
 22 (18) years of age;

23 (B) the amount involved is more than two (2) grams; or

24 (C) the person has a prior conviction of an offense involving  
 25 a synthetic drug or synthetic drug lookalike substance; and

26 (2) a Class C felony if the amount involved is more than two (2)  
 27 grams and the person delivered or financed the delivery of the  
 28 synthetic drug or synthetic drug lookalike substance:

29 (A) on a school bus; or

30 (B) in, on, or within five hundred (500) feet of:

31 (i) school property; or

32 (ii) a public park;

33 while a person under eighteen (18) years of age was  
 34 reasonably expected to be present.

35 (d) In addition to a criminal or civil penalty imposed for a violation  
 36 of this section; if the court finds that a person has violated this section  
 37 and the violation involved the sale of or offer to sell; in the normal  
 38 course of business; a synthetic drug or a synthetic drug lookalike  
 39 substance by a retail merchant in a place of business for which the  
 40 retail merchant has been issued a registered retail merchant certificate;  
 41 the court:

42 (1) shall recommend the suspension of the registered retail





1 merchant certificate for the place of business for one (1) year if  
 2 the person's violation of this section resulted in a criminal  
 3 conviction; and

4 (2) may recommend the suspension of the registered retail  
 5 merchant certificate for the place of business for six (6) months  
 6 if the person's violation of this section resulted in an adjudication  
 7 that the person committed an infraction:

8 (e) The department of state revenue shall suspend the registered  
 9 retail merchant certificate of a retail merchant in accordance with the  
 10 recommendation of the court. Whenever the department of state  
 11 revenue is required to suspend a retail merchant's registered retail  
 12 merchant certificate under this section, the department shall  
 13 immediately mail a notice to the retail merchant's address that must  
 14 state that the retail merchant's registered retail merchant certificate will  
 15 be suspended for the period recommended by the court, commencing  
 16 five (5) days after the date of the notice:

17 SECTION 23. IC 35-48-4-11.5 IS REPEALED [EFFECTIVE JULY  
 18 1, 2014]. See. 11.5. (a) As used in this section, "synthetic drug  
 19 lookalike substance" has the meaning set forth in  
 20 IC 35-31.5-2-321.5(a)(2):

21 (b) A person who possesses a synthetic drug or synthetic drug  
 22 lookalike substance commits possession of a synthetic drug or synthetic  
 23 drug lookalike substance, a Class B infraction:

24 (c) A person who knowingly or intentionally possesses a synthetic  
 25 drug or synthetic drug lookalike substance commits possession of a  
 26 synthetic drug or synthetic drug lookalike substance, a Class A  
 27 misdemeanor. However, the offense is a Class D felony if the person  
 28 has a prior unrelated conviction under this section or under section 10.5  
 29 of this chapter:

30 SECTION 24. IC 35-48-4-12, AS AMENDED BY P.L.196-2013,  
 31 SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION  
 32 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior  
 34 conviction of an offense under this article or under a law of another  
 35 jurisdiction relating to controlled substances pleads guilty to possession  
 36 of marijuana, **hash oil**, hashish, **or** salvia **or** a **synthetic drug or**  
 37 **synthetic drug lookalike substance** as a *Class A* misdemeanor, the  
 38 court, without entering a judgment of conviction and with the consent  
 39 of the person, may defer further proceedings and place the person in  
 40 the custody of the court under ~~such~~ conditions ~~as~~ *determined by* the  
 41 court. ~~determines~~. Upon violation of a condition of the custody, the  
 42 court may enter a judgment of conviction. However, if the person



1 fulfills the conditions of the custody, the court shall dismiss the charges  
2 against the person. There may be only one (1) dismissal under this  
3 section with respect to a person.

