



February 23, 2016

**ENGROSSED
SENATE BILL No. 161**

DIGEST OF SB 161 (Updated February 22, 2016 12:34 pm - DI 77)

Citations Affected: IC 33-23; IC 33-24; IC 35-48.

Synopsis: Methamphetamine matters. Defines "drug related felony". Requires the division of state court administration to report certain drug related felonies to the National Precursor Log Exchange (NPLEx) so that NPLEx can generate a stop sale alert to prevent individuals with drug related felonies from purchasing ephedrine or pseudoephedrine. Provides that the offense of possession of a precursor by a methamphetamine offender (which prohibits the possession of pseudoephedrine or ephedrine without a prescription by persons convicted of certain offenses) applies to a person who has been convicted of a drug related felony.

Effective: Upon passage; January 1, 2017.

**Young R Michael, Kenley,
Randolph Lonnie M, Steele,
Miller Patricia**

(HOUSE SPONSOR — FRIZZELL)

January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.
January 21, 2016, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 28, 2016, reported favorably — Do Pass.

February 1, 2016, read second time, ordered engrossed. Engrossed.

February 2, 2016, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Public Health.

February 22, 2016, amended, reported — Do Pass.

ES 161—LS 6595/DI 107



February 23, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 161

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 33-23-1-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 4.5. "Drug related felony" has the meaning**
4 **set forth in IC 35-48-1-16.3.**
- 5 SECTION 2. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **Sec. 9.7. "NPLEx" refers to the National**
8 **Precursor Log Exchange.**
- 9 SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.284-2013,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 3. (a) The division of state court
12 administration shall do the following:
- 13 (1) Examine the administrative and business methods and systems
14 employed in the offices of the clerks of court and other offices
15 related to and serving the courts and make recommendations for
16 necessary improvement.
- 17 (2) Collect and compile statistical data and other information on

ES 161—LS 6595/DI 107



1 the judicial work of the courts in Indiana. All justices of the
 2 supreme court, judges of the court of appeals, judges of all trial
 3 courts, and any city or town courts, whether having general or
 4 special jurisdiction, court clerks, court reporters, and other
 5 officers and employees of the courts shall, upon notice by the
 6 executive director and in compliance with procedures prescribed
 7 by the executive director, furnish the executive director the
 8 information as is requested concerning the nature and volume of
 9 judicial business. The information must include the following:

10 (A) The volume, condition, and type of business conducted by
 11 the courts.

12 (B) The methods of procedure in the courts.

13 (C) The work accomplished by the courts.

14 (D) The receipt and expenditure of public money by and for
 15 the operation of the courts.

16 (E) The methods of disposition or termination of cases.

17 (3) Prepare and publish reports, not less than one (1) or more than
 18 two (2) times per year, on the nature and volume of judicial work
 19 performed by the courts as determined by the information
 20 required in subdivision (2).

21 (4) Serve the judicial nominating commission and the judicial
 22 qualifications commission in the performance by the commissions
 23 of their statutory and constitutional functions.

24 (5) Administer the civil legal aid fund as required by IC 33-24-12.

25 (6) Administer the judicial technology and automation project
 26 fund established by section 12 of this chapter.

27 (7) By December 31, 2013, develop and implement a standard
 28 protocol for sending and receiving court data:

29 (A) between the protective order registry, established by
 30 IC 5-2-9-5.5, and county court case management systems;

31 (B) at the option of the county prosecuting attorney, for:

32 (i) a prosecuting attorney's case management system;

33 (ii) a county court case management system; and

34 (iii) a county court case management system developed and
 35 operated by the division of state court administration;

36 to interface with the electronic traffic tickets, as defined by
 37 IC 9-30-3-2.5; and

38 (C) between county court case management systems and the
 39 case management system developed and operated by the
 40 division of state court administration.

41 The standard protocol developed and implemented under this
 42 subdivision shall permit private sector vendors, including vendors



1 providing service to a local system and vendors accessing the
 2 system for information, to send and receive court information on
 3 an equitable basis and at an equitable cost.

4 (8) Establish and administer an electronic system for receiving
 5 information that relates to certain individuals who may be
 6 prohibited from possessing a firearm and transmitting this
 7 information to the Federal Bureau of Investigation for inclusion
 8 in the NICS.

9 **(9) Establish and administer an electronic system for**
 10 **receiving drug related felony conviction information from**
 11 **courts. The division shall notify NPLeX of each drug related**
 12 **felony entered after June 30, 2012, and do the following:**

13 **(A) Provide NPLeX with the following information:**

14 **(i) The convicted individual's full name.**

15 **(ii) The convicted individual's date of birth.**

16 **(iii) The convicted individual's driver's license number,**
 17 **state personal identification number, or other unique**
 18 **number, if available.**

19 **(iv) The date the individual was convicted of the drug**
 20 **related felony.**

21 **Upon receipt of the information from the division, a stop**
 22 **sale alert must be generated through NPLeX for each**
 23 **individual reported under this clause.**

24 **(B) Notify NPLeX if the drug related felony of an**
 25 **individual reported under clause (A) has been:**

26 **(i) set aside;**

27 **(ii) reversed;**

28 **(iii) expunged; or**

29 **(iv) vacated.**

30 **Upon receipt of information under this clause, NPLeX**
 31 **shall remove the stop sale alert issued under clause (A) for**
 32 **the individual.**

33 ~~(9)~~ **(10) Staff the judicial technology oversight committee**
 34 **established by IC 33-23-17-2.**

35 (b) All forms to be used in gathering data must be approved by the
 36 supreme court and shall be distributed to all judges and clerks before
 37 the start of each period for which reports are required.

38 (c) The division may adopt rules to implement this section.

39 SECTION 4. IC 35-48-1-16.3 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 16.3. "Drug related felony"**
 42 **means a felony conviction for an offense described in:**



- 1 **(1) IC 35-48-4-1 through IC 35-48-4-11.5; or**
2 **(2) IC 35-48-4-13 through IC 35-48-4-14.7.**
3 SECTION 5. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014,
4 SECTION 105, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this
6 section, "chemical reagents or precursors" refers to one (1) or more of
7 the following:
8 (1) Ephedrine.
9 (2) Pseudoephedrine.
10 (3) Phenylpropanolamine.
11 (4) The salts, isomers, and salts of isomers of a substance
12 identified in subdivisions (1) through (3).
13 (5) Anhydrous ammonia or ammonia solution (as defined in
14 IC 22-11-20-1).
15 (6) Organic solvents.
16 (7) Hydrochloric acid.
17 (8) Lithium metal.
18 (9) Sodium metal.
19 (10) Ether.
20 (11) Sulfuric acid.
21 (12) Red phosphorous.
22 (13) Iodine.
23 (14) Sodium hydroxide (lye).
24 (15) Potassium dichromate.
25 (16) Sodium dichromate.
26 (17) Potassium permanganate.
27 (18) Chromium trioxide.
28 (19) Benzyl cyanide.
29 (20) Phenylacetic acid and its esters or salts.
30 (21) Piperidine and its salts.
31 (22) Methylamine and its salts.
32 (23) Isosafrole.
33 (24) Safrole.
34 (25) Piperonal.
35 (26) Hydriodic acid.
36 (27) Benzaldehyde.
37 (28) Nitroethane.
38 (29) Gamma-butyrolactone.
39 (30) White phosphorus.
40 (31) Hypophosphorous acid and its salts.
41 (32) Acetic anhydride.
42 (33) Benzyl chloride.



- 1 (34) Ammonium nitrate.
 2 (35) Ammonium sulfate.
 3 (36) Hydrogen peroxide.
 4 (37) Thionyl chloride.
 5 (38) Ethyl acetate.
 6 (39) Pseudoephedrine hydrochloride.
- 7 (b) A person who possesses more than ten (10) grams of ephedrine,
 8 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
 9 commits a Level 6 felony. However, the offense is a Level 5 felony if
 10 the person possessed:
- 11 (1) a firearm while possessing more than ten (10) grams of
 12 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
 13 adulterated; or
 14 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or
 15 phenylpropanolamine, pure or adulterated, in, on, or within five
 16 hundred (500) feet of:
- 17 (A) school property while a person under eighteen (18) years
 18 of age was reasonably expected to be present; or
 19 (B) a public park while a person under eighteen (18) years of
 20 age was reasonably expected to be present.
- 21 (c) A person who possesses anhydrous ammonia or ammonia
 22 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 23 methamphetamine or amphetamine, schedule II controlled substances
 24 under IC 35-48-2-6, commits a Level 6 felony. However, the offense
 25 is a Level 5 felony if the person possessed:
- 26 (1) a firearm while possessing anhydrous ammonia or ammonia
 27 solution (as defined in IC 22-11-20-1) with intent to manufacture
 28 methamphetamine or amphetamine, schedule II controlled
 29 substances under IC 35-48-2-6; or
 30 (2) anhydrous ammonia or ammonia solution (as defined in
 31 IC 22-11-20-1) with intent to manufacture methamphetamine or
 32 amphetamine, schedule II controlled substances under
 33 IC 35-48-2-6, in, on, or within five hundred (500) feet of:
- 34 (A) school property while a person under eighteen (18) years
 35 of age was reasonably expected to be present; or
 36 (B) a public park while a person under eighteen (18) years of
 37 age was reasonably expected to be present.
- 38 (d) Subsection (b) does not apply to a:
- 39 (1) licensed health care provider, pharmacist, retail distributor,
 40 wholesaler, manufacturer, warehouseman, or common carrier or
 41 an agent of any of these persons if the possession is in the regular
 42 course of lawful business activities; or



- 1 (2) person who possesses more than ten (10) grams of a substance
 2 described in subsection (b) if the substance is possessed under
 3 circumstances consistent with typical medicinal or household use,
 4 including:
- 5 (A) the location in which the substance is stored;
 - 6 (B) the possession of the substance in a variety of:
 - 7 (i) strengths;
 - 8 (ii) brands; or
 - 9 (iii) types; or
 - 10 (C) the possession of the substance:
 - 11 (i) with different expiration dates; or
 - 12 (ii) in forms used for different purposes.
- 13 (e) A person who possesses two (2) or more chemical reagents or
 14 precursors with the intent to manufacture a controlled substance
 15 commits a Level 6 felony.
- 16 (f) An offense under subsection (e) is a Level 5 felony if the person
 17 possessed:
- 18 (1) a firearm while possessing two (2) or more chemical reagents
 19 or precursors with intent to manufacture a controlled substance;
 20 or
 - 21 (2) two (2) or more chemical reagents or precursors with intent to
 22 manufacture a controlled substance in, on, or within five hundred
 23 (500) feet of:
 - 24 (A) school property while a person under eighteen (18) years
 25 of age was reasonably expected to be present; or
 - 26 (B) a public park while a person under eighteen (18) years of
 27 age was reasonably expected to be present.
- 28 (g) A person who sells, transfers, distributes, or furnishes a chemical
 29 reagent or precursor to another person with knowledge or the intent that
 30 the recipient will use the chemical reagent or precursors to manufacture
 31 a controlled substance commits unlawful sale of a precursor, a Level
 32 6 felony. However, the offense is a Level 5 felony if the person sells,
 33 transfers, distributes, or furnishes more than ten (10) grams of
 34 ephedrine, pseudoephedrine, or phenylpropanolamine.
- 35 (h) This subsection does not apply to a drug containing ephedrine,
 36 pseudoephedrine, or phenylpropanolamine that is dispensed under a
 37 prescription. A person who:
- 38 (1) has been convicted of:
 - 39 (A) dealing in methamphetamine (IC 35-48-4-1.1);
 - 40 (B) possession of more than ten (10) grams of ephedrine,
 41 pseudoephedrine, or phenylpropanolamine (subsection (b));
 - 42 (C) possession of anhydrous ammonia or ammonia solution (as



1 defined in IC 22-11-20-1) with intent to manufacture
 2 methamphetamine or amphetamine (subsection (c));
 3 (D) possession of two (2) or more chemical reagents or
 4 precursors with the intent to manufacture a controlled
 5 substance (subsection (e)); **or**
 6 (E) unlawful sale of a precursor (subsection (g)); **or**
 7 **(F) another drug related felony (as defined in**
 8 **IC 35-48-1-16.3); and**
 9 (2) not later than seven (7) years from the date the person was
 10 sentenced for the offense;
 11 knowingly or intentionally possesses ephedrine, pseudoephedrine, or
 12 phenylpropanolamine, pure or adulterated, commits possession of a
 13 precursor by a methamphetamine offender, a Level 6 felony.

14 SECTION 6. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013,
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2017]: Sec. 14.7. (a) This section does not apply to the
 17 following:

18 (1) Ephedrine or pseudoephedrine dispensed pursuant to a
 19 prescription.
 20 (2) The sale of a drug containing ephedrine or pseudoephedrine
 21 to a licensed health care provider, pharmacist, retail distributor,
 22 wholesaler, manufacturer, or an agent of any of these persons if
 23 the sale occurs in the regular course of lawful business activities.
 24 However, a retail distributor, wholesaler, or manufacturer is
 25 required to report a suspicious order to the state police department
 26 in accordance with subsection (g).
 27 (3) The sale of a drug containing ephedrine or pseudoephedrine
 28 by a person who does not sell exclusively to walk-in customers for
 29 the personal use of the walk-in customers. However, if the person
 30 described in this subdivision is a retail distributor, wholesaler, or
 31 manufacturer, the person is required to report a suspicious order
 32 to the state police department in accordance with subsection (g).

33 (b) The following definitions apply throughout this section:

34 (1) "Constant video monitoring" means the surveillance by an
 35 automated camera that:
 36 (A) records at least one (1) photograph or digital image every
 37 ten (10) seconds;
 38 (B) retains a photograph or digital image for at least
 39 seventy-two (72) hours;
 40 (C) has sufficient resolution and magnification to permit the
 41 identification of a person in the area under surveillance; and
 42 (D) stores a recorded photograph or digital image at a location



- 1 that is immediately accessible to a law enforcement officer.
- 2 (2) "Convenience package" means a package that contains a drug
- 3 having as an active ingredient not more than sixty (60) milligrams
- 4 of ephedrine or pseudoephedrine, or both.
- 5 (3) "Ephedrine" means pure or adulterated ephedrine.
- 6 (4) "Pharmacy or NPLeX retailer" means:
- 7 (A) a pharmacy, as defined in IC 25-26-13-2;
- 8 (B) a retailer containing a pharmacy, as defined in
- 9 IC 25-26-13-2; or
- 10 (C) a retailer that electronically submits the required
- 11 information to the National Precursor Log Exchange (NPLeX).
- 12 ~~administered by the National Association of Drug Diversion~~
- 13 ~~Investigators (NADDI).~~
- 14 (5) "Pseudoephedrine" means pure or adulterated
- 15 pseudoephedrine.
- 16 (6) "Retailer" means a grocery store, general merchandise store,
- 17 or other similar establishment. The term does not include a
- 18 pharmacy or NPLeX retailer.
- 19 (7) "Suspicious order" means a sale or transfer of a drug
- 20 containing ephedrine or pseudoephedrine if the sale or transfer:
- 21 (A) is a sale or transfer that the retail distributor, wholesaler,
- 22 or manufacturer is required to report to the United States Drug
- 23 Enforcement Administration;
- 24 (B) appears suspicious to the retail distributor, wholesaler, or
- 25 manufacturer in light of the recommendations contained in
- 26 Appendix A of the report to the United States attorney general
- 27 by the suspicious orders task force under the federal
- 28 Comprehensive Methamphetamine Control Act of 1996; or
- 29 (C) is for cash or a money order in a total amount of at least
- 30 two hundred dollars (\$200).
- 31 (8) "Unusual theft" means the theft or unexplained disappearance
- 32 from a particular pharmacy or NPLeX retailer of drugs containing
- 33 ten (10) grams or more of ephedrine, pseudoephedrine, or both in
- 34 a twenty-four (24) hour period.
- 35 (c) A drug containing ephedrine or pseudoephedrine may be sold
- 36 only by a pharmacy or NPLeX retailer. Except as provided in
- 37 subsection (f), a retailer may not sell a drug containing ephedrine or
- 38 pseudoephedrine.
- 39 (d) A pharmacy or NPLeX retailer may sell a drug that contains the
- 40 active ingredient of ephedrine, pseudoephedrine, or both only if the
- 41 pharmacy or NPLeX retailer complies with the following conditions:
- 42 (1) The pharmacy or NPLeX retailer does not sell the drug to a



- 1 person less than eighteen (18) years of age.
- 2 (2) The pharmacy or NPLEEx retailer does not sell drugs
3 containing more than:
- 4 (A) three and six-tenths (3.6) grams of ephedrine or
5 pseudoephedrine, or both, to one (1) individual on one (1) day;
6 (B) seven and two-tenths (7.2) grams of ephedrine or
7 pseudoephedrine, or both, to one (1) individual in a thirty (30)
8 day period; or
9 (C) sixty-one and two-tenths (61.2) grams of ephedrine or
10 pseudoephedrine, or both, to one (1) individual in a three
11 hundred sixty-five (365) day period.
- 12 (3) The pharmacy or NPLEEx retailer requires:
- 13 (A) the purchaser to produce a valid government issued photo
14 identification card showing the date of birth of the person;
15 (B) the purchaser to sign a written or electronic log attesting
16 to the validity of the information; and
17 (C) the clerk who is conducting the transaction to initial or
18 electronically record the clerk's identification on the log.
- 19 Records from the completion of a log must be retained for at least
20 two (2) years. A law enforcement officer has the right to inspect
21 and copy a log or the records from the completion of a log in
22 accordance with state and federal law. A pharmacy or NPLEEx
23 retailer may not sell or release a log or the records from the
24 completion of a log for a commercial purpose. The Indiana
25 criminal justice institute may obtain information concerning a log
26 or the records from the completion of a log from a law
27 enforcement officer if the information may not be used to identify
28 a specific individual and is used only for statistical purposes. A
29 pharmacy or NPLEEx retailer that in good faith releases
30 information maintained under this subsection is immune from
31 civil liability unless the release constitutes gross negligence or
32 intentional, wanton, or willful misconduct.
- 33 (4) The pharmacy or NPLEEx retailer maintains a record of
34 information for each sale of a nonprescription product containing
35 pseudoephedrine or ephedrine. Required information includes:
- 36 (A) the name and address of each purchaser;
37 (B) the type of identification presented;
38 (C) the governmental entity that issued the identification;
39 (D) the identification number; and
40 (E) the ephedrine or pseudoephedrine product purchased,
41 including the number of grams the product contains and the
42 date and time of the transaction.



1 (5) Beginning January 1, 2012, a pharmacy or NPLeX retailer
 2 shall, except as provided in subdivision (6), before completing a
 3 sale of an over-the-counter product containing pseudoephedrine
 4 or ephedrine, electronically submit the required information to the
 5 National Precursor Log Exchange (NPLeX), ~~administered by the~~
 6 ~~National Association of Drug Diversion Investigators (NADDI);~~
 7 if the NPLeX system is available to pharmacies or NPLeX
 8 retailers in the state without a charge for accessing the system.
 9 The pharmacy or NPLeX retailer may not complete the sale if the
 10 system generates a stop sale alert, **including a stop sale alert for**
 11 **an individual convicted of a drug related felony reported**
 12 **under IC 33-24-6-3.**

13 (6) If a pharmacy or NPLeX retailer selling an over-the-counter
 14 product containing ephedrine or pseudoephedrine experiences
 15 mechanical or electronic failure of the electronic sales tracking
 16 system and is unable to comply with the electronic sales tracking
 17 requirement, the pharmacy or NPLeX retailer shall maintain a
 18 written log or an alternative electronic recordkeeping mechanism
 19 until the pharmacy or NPLeX retailer is able to comply with the
 20 electronic sales tracking requirement.

21 (7) The pharmacy or NPLeX retailer stores the drug behind a
 22 counter in an area inaccessible to a customer or in a locked
 23 display case that makes the drug unavailable to a customer
 24 without the assistance of an employee.

25 (e) A person may not purchase drugs containing more than:

- 26 (1) three and six-tenths (3.6) grams of ephedrine or
 27 pseudoephedrine, or both, on one (1) day;
 28 (2) seven and two-tenths (7.2) grams of ephedrine or
 29 pseudoephedrine, or both, in a thirty (30) day period; or
 30 (3) sixty-one and two-tenths (61.2) grams of ephedrine or
 31 pseudoephedrine, or both, in a three hundred sixty-five (365) day
 32 period.

33 These limits apply to the total amount of base ephedrine and
 34 pseudoephedrine contained in the products and not to the overall
 35 weight of the products.

36 (f) This subsection only applies to convenience packages. A retailer
 37 may sell convenience packages under this section without complying
 38 with the conditions listed in subsection (d):

- 39 (1) after June 30, 2013; and
 40 (2) before January 1, 2014.

41 A retailer may not sell drugs containing more than sixty (60)
 42 milligrams of ephedrine or pseudoephedrine, or both in any one (1)



1 transaction. A retailer who sells convenience packages must secure the
 2 convenience packages behind the counter in an area inaccessible to a
 3 customer or in a locked display case that makes the drug unavailable
 4 to a customer without the assistance of an employee. A retailer may not
 5 sell a drug containing ephedrine or pseudoephedrine after December
 6 31, 2013.

7 (g) A retail distributor, wholesaler, or manufacturer shall report a
 8 suspicious order to the state police department in writing.

9 (h) Not later than three (3) days after the discovery of an unusual
 10 theft at a particular retail store, the pharmacy or NPLeX retailer shall
 11 report the unusual theft to the state police department in writing. If
 12 three (3) unusual thefts occur in a thirty (30) day period at a particular
 13 pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for
 14 at least one hundred eighty (180) days after the date of the last unusual
 15 theft, locate all drugs containing ephedrine or pseudoephedrine at that
 16 particular pharmacy or NPLeX retailer behind a counter in an area
 17 inaccessible to a customer or in a locked display case that makes the
 18 drug unavailable to customers without the assistance of an employee.

19 (i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance
 20 after February 1, 2005, that is more stringent than this section.

21 (j) A person who knowingly or intentionally violates this section
 22 commits a Class C misdemeanor. However, the offense is a Class A
 23 misdemeanor if the person has a prior unrelated conviction under this
 24 section.

25 (k) A pharmacy or NPLeX retailer that uses the electronic sales
 26 tracking system in accordance with this section is immune from civil
 27 liability for any act or omission committed in carrying out the duties
 28 required by this section, unless the act or omission was due to
 29 negligence, recklessness, or deliberate or wanton misconduct. A
 30 pharmacy or NPLeX retailer is immune from liability to a third party
 31 unless the pharmacy or NPLeX retailer has violated a provision of this
 32 section and the third party brings an action based on the pharmacy's or
 33 NPLeX retailer's violation of this section.

34 (l) The following requirements apply to the NPLeX:

35 (1) Information contained in the NPLeX may be shared only with
 36 law enforcement officials.

37 (2) A law enforcement official may access Indiana transaction
 38 information maintained in the NPLeX for investigative purposes.

39 (3) NADDI may not modify sales transaction data that is shared
 40 with law enforcement officials.

41 (4) At least one (1) time per ~~week~~, NADDI shall forward ~~day~~,
 42 Indiana data contained in the NPLeX ~~including data concerning~~



1 a transaction that could not be completed due to the issuance of
2 a stop sale alert, for the previous calendar day shall be
3 **forwarded** to the state police department.
4 SECTION 7. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill No. 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 161 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 161 as printed January 22, 2016.)

KENLEY, Chairperson

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 33-23-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. "Drug related felony" has the meaning set forth in IC 35-48-1-16.3.**

SECTION 2. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.7. "NPLEx" refers to the National Precursor Log Exchange.**

ES 161—LS 6595/DI 107



SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.284-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

(i) a prosecuting attorney's case management system;

(ii) a county court case management system; and



(iii) a county court case management system developed and operated by the division of state court administration; to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The division shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

- (i) The convicted individual's full name.**
- (ii) The convicted individual's date of birth.**
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.**
- (iv) The date the individual was convicted of the drug related felony.**

Upon receipt of the information from the division, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the drug related felony of an individual reported under clause (A) has been:

- (i) set aside;**
- (ii) reversed;**
- (iii) expunged; or**
- (iv) vacated.**

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

⊕ (10) Staff the judicial technology oversight committee



established by IC 33-23-17-2.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

SECTION 4. IC 35-48-1-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. "Drug related felony" means a felony conviction for an offense described in:**

(1) IC 35-48-4-1 through IC 35-48-4-11.5; or

(2) IC 35-48-4-13 through IC 35-48-4-14.7."

Page 5, line 23, delete "IC 35-48-4-18(a);" and insert "**IC 35-48-1-16.3**";

Page 8, line 27, delete "IC 10-11-2-31.5." and insert "**IC 33-24-6-3**."

Page 10, delete lines 19 through 37.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 161 as printed January 29, 2016.)

KIRCHHOFER

Committee Vote: yeas 8, nays 2.

