

# HOUSE BILL No. 1316

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-41; IC 5-2-8; IC 6-7-3; IC 7.1-8; IC 7.1-9; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

**Synopsis:** Medical marijuana. Establishes a medical marijuana program (program), and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment of certain medical conditions. Establishes the department of marijuana enforcement (DOME) as a state agency to oversee the program, and creates the DOME advisory committee to review the effectiveness of the program and to consider recommendations from DOME. Authorizes DOME to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

**Effective:** July 1, 2017.

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January 10, 2017, read first time and referred to Committee on Public Policy.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

# HOUSE BILL No. 1316

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 2-5-41 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2017]:
- 4 **Chapter 41. DOME Advisory Committee**
- 5 **Sec. 1. The following definitions apply throughout this chapter:**
- 6 (1) "Advisory committee" means the **DOME** advisory
- 7 committee established by section 2 of this chapter.
- 8 (2) "**DOME**" means the department of marijuana
- 9 enforcement established by IC 7.1-9-2-1.
- 10 **Sec. 2. The DOME advisory committee is established.**
- 11 **Sec. 3. (a) The advisory committee consists of the following four**
- 12 **(4) voting members and five (5) nonvoting members:**
- 13 (1) **One (1) legislative member appointed by the speaker of the**
- 14 **house of representatives.**
- 15 (2) **One (1) legislative member appointed by the minority**
- 16 **leader of the house of representatives.**
- 17 (3) **One (1) legislative member appointed by the president pro**



- 1           tempore of the senate.
- 2           **(4) One (1) legislative member appointed by the minority**
- 3           **leader of the senate.**
- 4           **(5) One (1) representative of law enforcement, appointed as a**
- 5           **nonvoting member by the speaker of the house of**
- 6           **representatives.**
- 7           **(6) One (1) individual having experience in the treatment of**
- 8           **medical conditions by means of medical marijuana as a**
- 9           **patient, physician, or caregiver, appointed as a nonvoting**
- 10          **member by the president pro tempore of the senate.**
- 11          **(7) The commissioner of the department of state revenue or**
- 12          **the commissioner's designee, who serves as a nonvoting**
- 13          **member.**
- 14          **(8) The director of the department of agriculture or the**
- 15          **director's designee, who serves as a nonvoting member.**
- 16          **(9) The state health commissioner or the commissioner's**
- 17          **designee, who serves as a nonvoting member.**
- 18          **(b) The chairperson of the legislative council shall annually**
- 19          **select one (1) of the voting members to serve as chairperson.**
- 20          **Sec. 4. (a) A legislative member of the advisory committee may**
- 21          **be removed at any time by the appointing authority who appointed**
- 22          **the legislative member.**
- 23          **(b) If a vacancy exists on the advisory committee, the appointing**
- 24          **authority who appointed the former member whose position has**
- 25          **become vacant shall appoint an individual to fill the vacancy.**
- 26          **Sec. 5. Each member of the advisory committee is entitled to**
- 27          **receive the same per diem, mileage, and travel allowances paid to**
- 28          **individuals who serve as legislative and lay members, respectively,**
- 29          **of interim study committees established by the legislative council.**
- 30          **Sec. 6. The affirmative votes of a majority of the voting**
- 31          **members appointed to the advisory committee are required for the**
- 32          **advisory committee to take action on any measure, including final**
- 33          **reports.**
- 34          **Sec. 7. The advisory committee shall do the following:**
- 35               **(1) Review rules adopted by DOME.**
- 36               **(2) Review legislative proposals suggested by DOME.**
- 37               **(3) Evaluate the medical marijuana research and development**
- 38               **program under IC 7.1-9-5.**
- 39               **(4) Evaluate the operation of the medical marijuana program.**
- 40               **(5) Consider any other matter that has bearing on the**
- 41               **operation of the medical marijuana program.**
- 42          **SECTION 2. IC 5-2-8-5 IS AMENDED TO READ AS FOLLOWS**



1 [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) There is established the state  
 2 police training fund. The fund consists of amounts collected under  
 3 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and  
 4 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the state police  
 5 department.

6 (b) If the state police department files a claim under IC 33-37-8-4  
 7 or IC 33-37-8-6 against a city or town user fee fund or a county user fee  
 8 fund, the fiscal officer of the city or town or the county auditor shall  
 9 deposit fees collected under the cause numbers submitted by the state  
 10 police department into the state police training fund established under  
 11 this section.

12 (c) Claims against the state police training fund must be submitted  
 13 in accordance with IC 5-11-10.

14 (d) Money in excess of one hundred dollars (\$100) that is  
 15 unencumbered and remains in the state police training fund for at least  
 16 one (1) entire calendar year from the date of its deposit shall, at the end  
 17 of the state's fiscal year, be deposited in the law enforcement training  
 18 fund established under IC 5-2-1-13(b).

19 (e) As used in this subsection, "abuse" has the meaning set forth in  
 20 section 1(a) of this chapter. As a part of the state police department's  
 21 in-service training, the department shall provide to each law  
 22 enforcement officer employed by the department continuing education  
 23 concerning the following:

24 (1) Duties of a law enforcement officer in enforcing restraining  
 25 orders, protective orders, temporary injunctions, and permanent  
 26 injunctions involving abuse.

27 (2) Guidelines for making felony and misdemeanor arrests in  
 28 cases involving abuse.

29 (3) Techniques for handling incidents of abuse that:

30 (A) minimize the likelihood of injury to the law enforcement  
 31 officer; and

32 (B) promote the safety of a victim.

33 (4) Information about the nature and extent of the abuse.

34 (5) Information about the legal rights of and remedies available  
 35 to victims of abuse.

36 (6) How to document and collect evidence in an abuse case.

37 (7) The legal consequences of abuse.

38 (8) The impact on children of law enforcement intervention in  
 39 abuse cases.

40 (9) Services and facilities available to victims of abuse and  
 41 abusers.

42 (10) Verification of restraining orders, protective orders,



1 temporary injunctions, and permanent injunctions.

2 (11) Policies concerning arrest or release of suspects in abuse  
3 cases.

4 (12) Emergency assistance to victims of abuse and criminal  
5 justice options for victims of abuse.

6 (13) Landlord-tenant concerns in abuse cases.

7 (14) The taking of an abused child into protective custody.

8 (15) Assessment of a situation in which a child may be seriously  
9 endangered if the child is left in the child's home.

10 (16) Assessment of a situation involving an endangered adult (as  
11 defined in IC 12-10-3-2).

12 (17) Response to a sudden, unexpected infant death.

13 The cost of providing continuing education under this subsection shall  
14 be paid from money in the state police training fund.

15 SECTION 3. IC 5-2-8-7 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) There is established the  
17 conservation officers training fund. The department of natural  
18 resources shall administer the fund. The fund consists of amounts  
19 collected under ~~IC 33-37-4-1(b)(4)~~; **IC 33-37-4-1(b)(3)**,  
20 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on  
21 behalf of the department of natural resources.

22 (b) If the department of natural resources files a claim under  
23 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a  
24 county user fee fund, the fiscal officer of the city or town or the county  
25 auditor shall deposit fees collected under the cause numbers submitted  
26 by the department of natural resources into the conservation officers  
27 training fund established under this section.

28 (c) Claims against the conservation officers training fund must be  
29 submitted in accordance with IC 5-11-10.

30 (d) Money in excess of one hundred dollars (\$100) that is  
31 unencumbered and remains in the conservation ~~officers'~~ **officers'**  
32 training fund for at least one (1) entire calendar year from the date of  
33 its deposit shall, at the end of the state's fiscal year, be deposited in the  
34 law enforcement training fund established under IC 5-2-1-13(b).

35 SECTION 4. IC 5-2-8-8 IS AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) There is established the  
37 alcoholic beverage enforcement officers' training fund. The alcohol and  
38 tobacco commission shall administer the fund. The fund consists of  
39 amounts collected under ~~IC 33-37-4-1(b)(4)~~; **IC 33-37-4-1(b)(3)**,  
40 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on  
41 behalf of the alcohol and tobacco commission.

42 (b) If the alcohol and tobacco commission files a claim under



1 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a  
 2 county user fee fund, the fiscal officer of the city or town or the county  
 3 auditor shall deposit fees collected under the cause numbers submitted  
 4 by the alcohol and tobacco commission into the alcoholic beverage  
 5 enforcement officers' training fund established under this section.

6 (c) Claims against the alcoholic beverage enforcement officers'  
 7 training fund must be submitted in accordance with IC 5-11-10.

8 (d) Money in excess of one hundred dollars (\$100) that is  
 9 unencumbered and remains in the alcoholic beverage enforcement  
 10 officers' training fund for at least one (1) entire calendar year from the  
 11 date of its deposit shall, at the end of the state's fiscal year, be deposited  
 12 in the law enforcement training fund established under IC 5-2-1-13(b).

13 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2017].  
 14 (Controlled Substance Excise Tax).

15 SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A  
 16 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 17 2017]:

18 **ARTICLE 8. MEDICAL MARIJUANA**

19 **Chapter 1. Definitions**

20 **Sec. 1. The following definitions apply throughout this article:**

21 (1) "Adequate supply for treatment" means the amount of  
 22 marijuana necessary to provide care for a treatable medical  
 23 condition for a thirty (30) day period, as determined by a  
 24 physician recommendation.

25 (2) "DOME" means the department of marijuana  
 26 enforcement established by IC 7.1-9-2-1.

27 (3) "DOME committee" means the DOME commissioners  
 28 described in IC 7.1-9-2.

29 (4) "Marijuana" means any part of the plant genus *Cannabis*.

30 (5) "Medical marijuana card" means a valid card issued by  
 31 DOME that authorizes the individual to whom the card is  
 32 issued to possess marijuana.

33 (6) "Physician" means an individual holding an unlimited  
 34 license to practice medicine in Indiana.

35 (7) "Physician recommendation" means a written  
 36 recommendation that the use of marijuana may benefit a  
 37 particular patient suffering from a treatable medical  
 38 condition. A physician recommendation may specify an  
 39 adequate supply for treatment.

40 (8) "Qualified patient" means an individual who has been  
 41 issued a medical marijuana card by DOME.

42 (9) "Qualified primary caregiver" means the primary



1 caregiver for a qualified patient who has been issued a  
 2 medical marijuana card by DOME on behalf of the qualified  
 3 patient.

4 (10) "Qualified researcher" means a person listed on a valid  
 5 marijuana research license issued by DOME.

6 (11) "Treatable medical condition" means an illness or other  
 7 condition, the symptoms of which (including the side effects  
 8 and symptoms caused by any other treatment for the  
 9 condition) may be treated by the use of marijuana. The term  
 10 includes the following:

11 (A) Acquired immune deficiency syndrome (AIDS) or  
 12 positive status for the human immunodeficiency virus  
 13 (HIV).

14 (B) Anorexia.

15 (C) Arthritis.

16 (D) Cachexia.

17 (E) Chronic cancer pain.

18 (F) Glaucoma.

19 (G) Migraine.

20 (H) Persistent muscle spasms, including spasms associated  
 21 with multiple sclerosis, Crohn's disease, or related  
 22 conditions.

23 (I) Seizures, including those characteristic of epilepsy.

24 (J) Severe nausea.

25 (K) Posttraumatic stress disorder.

26 (L) Any persistent or chronic illness or condition that, in  
 27 the opinion of a physician:

28 (i) substantially limits the ability of an individual to  
 29 conduct one (1) or more major life activities; or

30 (ii) may cause serious harm to a patient's safety or  
 31 mental or physical health if not alleviated;

32 if the illness or condition may be improved by the use of  
 33 marijuana.

34 (M) Any other illness or condition determined by DOME  
 35 to be a treatable medical condition.

36 **Chapter 2. Qualified Patients and Qualified Primary Caregivers**

37 **Sec. 1. (a) An individual may apply to DOME to be a qualified**  
 38 **patient if the individual suffers from a treatable medical condition.**  
 39 **An individual may apply to DOME to be a qualified primary**  
 40 **caregiver if the individual for whom the individual provides care**  
 41 **suffers from a treatable medical condition.**

42 (b) To be approved as a qualified patient, an individual must



1 submit to DOME a physician recommendation stating that the  
2 individual suffers from a treatable medical condition. To be  
3 approved as a qualified primary caregiver, an individual must  
4 submit to DOME a physician recommendation stating that the  
5 individual for whom the caregiver provides care suffers from a  
6 treatable medical condition.

7 (c) DOME shall issue to an individual a medical marijuana card  
8 indicating that the individual is a qualified patient or a qualified  
9 primary caregiver after:

10 (1) receipt of a:

11 (A) completed application; and

12 (B) physician recommendation;

13 (2) verification that the individual who tendered the physician  
14 recommendation is a licensed physician; and

15 (3) compliance with any other rule adopted by DOME.

16 (d) An application for a medical marijuana card may be denied  
17 for the following reasons:

18 (1) The application is not complete or required information is  
19 missing.

20 (2) The applicant submits false information.

21 (3) The applicant does not meet the criteria required to obtain  
22 a medical marijuana card.

23 (4) The individual who tendered the physician  
24 recommendation is not a licensed physician.

25 (e) A medical marijuana card issued under this section is valid  
26 for two (2) years, unless the physician recommendation expressly  
27 recommends a shorter period.

28 (f) DOME may charge a reasonable fee, not to exceed one  
29 hundred dollars (\$100), to apply for a medical marijuana card. The  
30 fee shall be deposited in the state general fund.

31 (g) Except as provided in subsection (h), for purposes of  
32 IC 5-14-3-4(a)(1), the following information is confidential, may  
33 not be published, and is not open to public inspection:

34 (1) Information submitted by an individual under this section  
35 to obtain a medical marijuana card.

36 (2) Information obtained by a federal, state, or local  
37 government entity in the course of an investigation concerning  
38 an individual who applies to obtain a medical marijuana card.

39 (3) The name and address of the individual, and any other  
40 information that may be used to identify an individual, who  
41 holds a medical marijuana card.

42 (h) Notwithstanding subsection (g):





1 (1) any information concerning an individual who applies for,  
 2 or an individual who holds, a medical marijuana card may be  
 3 released to a federal, state, or local government entity:

4 (A) for law enforcement purposes; or

5 (B) to determine the validity of a medical marijuana card;  
 6 and

7 (2) general information concerning the issuance of a medical  
 8 marijuana card in Indiana may be released to a person  
 9 conducting journalistic or academic research (including the  
 10 research described in IC 7.1-9-5), but only if all personal  
 11 information that may be used to identify any individual who  
 12 applies for or holds a medical marijuana card issued under  
 13 this chapter has been removed from the general information.

14 (i) A person who knowingly or intentionally violates this section  
 15 by releasing confidential information commits a disclosure of  
 16 confidential medical information, a Class B misdemeanor.

17 (j) A person who knowingly makes a material misstatement in  
 18 an application for a medical marijuana card under this section  
 19 commits fraudulent application for a medical marijuana card, a  
 20 Class B misdemeanor.

21 **Sec. 2. A qualified patient or qualified primary caregiver may:**

22 (1) possess the greater of:

23 (A) eight (8) ounces or less of dried marijuana; or

24 (B) an adequate supply for treatment as set forth in a  
 25 physician recommendation; and

26 (2) possess, grow, or cultivate not more than twelve (12)  
 27 marijuana plants.

28 **Sec. 3. (a) A qualified primary caregiver may deliver to, or**  
 29 **possess with intent to deliver to, a qualified patient for whom the**  
 30 **caregiver is the primary caregiver:**

31 (1) the greater of:

32 (A) eight (8) ounces or less of dried marijuana; or

33 (B) an adequate supply for treatment as set forth in a  
 34 physician recommendation; and

35 (2) not more than twelve (12) marijuana plants.

36 (b) A qualified primary caregiver may possess, grow, or  
 37 cultivate not more than twelve (12) marijuana plants for use by a  
 38 qualified patient for whom the individual is the primary caregiver.

39 **Sec. 4. The medical licensing board may not take an adverse**  
 40 **action against a physician who makes a physician recommendation**  
 41 **in good faith under this article solely on the basis of the physician**  
 42 **recommendation.**



1 SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A  
 2 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 3 2017]:

4 **ARTICLE 9. DEPARTMENT OF MARIJUANA**  
 5 **ENFORCEMENT**

6 **Chapter 1. Definitions**

7 **Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this**  
 8 **article.**

9 **Chapter 2. General Provisions**

10 **Sec. 1. The department of marijuana enforcement (DOME) is**  
 11 **established as an agency of the state for purposes of administering**  
 12 **the medical marijuana program.**

13 **Sec. 2. (a) DOME consists of:**

- 14 (1) the DOME committee;
- 15 (2) the executive director; and
- 16 (3) other employees necessary to carry out the duties of
- 17 DOME.

18 (b) The DOME committee consists of four (4) commissioners  
 19 who shall direct and oversee the operation of DOME.

20 **Sec. 3. (a) DOME commissioners shall be appointed by the**  
 21 **governor.**

22 (b) A commissioner is eligible for reappointment.

23 (c) Not more than two (2) commissioners may belong to the  
 24 same political party.

25 (d) A commissioner shall be appointed to a four (4) year term.

26 (e) A commissioner serves the commissioner's term at the  
 27 pleasure of the governor.

28 **Sec. 4. To be eligible for appointment as a commissioner, an**  
 29 **individual must have the following qualifications:**

- 30 (1) The individual may not be employed by the state in any
- 31 other capacity.
- 32 (2) The individual must have good moral character.
- 33 (3) The individual must have been a resident of Indiana for at
- 34 least ten (10) years immediately preceding the appointment.

35 **Sec. 5. The governor shall appoint one (1) commissioner to serve**  
 36 **as chairperson of the DOME committee, and one (1) commissioner**  
 37 **to serve as vice chairperson. The vice chairperson shall act as the**  
 38 **chairperson if the chairperson is unable to attend a meeting of the**  
 39 **DOME committee.**

40 **Sec. 6. A commissioner appointed to fill a vacancy in the**  
 41 **membership of the DOME committee shall serve only for the**  
 42 **unexpired portion of the original, vacated term. In all other**



1 respects, an appointment to fill a vacancy shall be made in the  
2 same manner that an original appointment is made.

3 **Sec. 7.** As compensation for services, each commissioner is  
4 entitled to the minimum salary per diem provided by  
5 IC 4-10-11-2.1(b). A commissioner is also entitled to  
6 reimbursement for traveling expenses as provided under  
7 IC 4-13-1-4 and other expenses actually incurred in connection  
8 with the commissioner's duties as provided in the state policies and  
9 procedures established by the Indiana department of  
10 administration and approved by the budget agency.

11 **Sec. 8.** Each commissioner shall execute:

12 (1) a surety bond in the amount of ten thousand dollars  
13 (\$10,000), with surety approved by the governor; and

14 (2) an oath of office.

15 The surety bond and the oath of office shall be filed in the office of  
16 the secretary of state.

17 **Sec. 9.** The required surety bond executed and filed on behalf of  
18 a commissioner shall be made payable to the state of Indiana and  
19 conditioned upon the faithful discharge of the commissioner's  
20 duties.

21 **Sec. 10.** The DOME committee shall hold meetings at the call of  
22 the chairperson. The DOME committee may establish rules  
23 governing meetings.

24 **Sec. 11. (a)** Three (3) DOME commissioners constitute a  
25 quorum for the transaction of business.

26 (b) Each commissioner has one (1) vote.

27 (c) Action of the DOME committee may be taken only upon the  
28 affirmative votes of at least two (2) commissioners. If a vote is a tie,  
29 the position for which the chairperson voted prevails, as long as  
30 that position has received the affirmative votes of at least two (2)  
31 commissioners.

32 **Sec. 12.** A commissioner may not solicit or accept a political  
33 contribution from a qualified patient, qualified primary caregiver,  
34 or any individual or entity that has a permit or has applied for a  
35 permit issued by DOME. However, the right of a commissioner to  
36 vote as the commissioner chooses and to express the  
37 commissioner's opinions on political subjects and candidates may  
38 not be impaired.

39 **Chapter 3. Employees and Administration**

40 **Sec. 1. (a)** The DOME committee shall appoint an executive  
41 director to aid DOME in the efficient administration of its powers  
42 and duties.



1 (b) The DOME committee shall fix the salary of the executive  
2 director, subject to the approval of the budget agency.

3 Sec. 2. DOME shall have the power to employ all necessary  
4 employees, determine their duties, and, subject to the approval of  
5 the DOME committee and the budget agency, fix their salaries.

6 Chapter 4. Powers and Duties

7 Sec. 1. The chairperson shall be the presiding officer at the  
8 meetings of the DOME committee. The chairperson, together with  
9 the executive director, shall prepare, certify, and authenticate all  
10 proceedings, minutes, records, rules, and regulations of the DOME  
11 committee. The chairperson shall also perform all other duties as  
12 imposed by this title.

13 Sec. 2. DOME has the power to organize its work, to enforce  
14 and administer the provisions of this article and IC 7.1-8, and to  
15 enforce and administer the rules adopted by DOME.

16 Sec. 3. DOME shall adopt rules under IC 4-22-2 to prescribe the  
17 forms for all applications, documents, permits, medical marijuana  
18 cards, and licenses used in the administration of this article and  
19 IC 7.1-8.

20 Sec. 4. DOME has the following powers:

- 21 (1) To hold hearings before DOME or its representative.
- 22 (2) To take testimony and receive evidence.
- 23 (3) To conduct inquiries with or without a hearing.
- 24 (4) To receive reports of investigators or other governmental
- 25 officers and employees.
- 26 (5) To administer oaths.
- 27 (6) To subpoena witnesses and to compel them to appear and
- 28 testify.
- 29 (7) To certify copies of records of DOME or any other
- 30 document or record on file with DOME.
- 31 (8) To fix the form, mode, manner, time, and number of times
- 32 for the posting or publication of any required notices if not
- 33 otherwise provided.
- 34 (9) To adopt rules under IC 4-22-2 to carry out this article
- 35 and IC 7.1-8.

36 Sec. 5. DOME has the following duties:

- 37 (1) To establish the medical marijuana program described in
- 38 IC 7.1-8 and to adopt all necessary rules to implement the
- 39 program.
- 40 (2) To implement protocols for the application and issuance
- 41 of a medical marijuana card, including protocols to:
- 42 (A) prevent fraud;



- 1           **(B) ensure the accuracy of information contained in the**  
 2           **application; and**  
 3           **(C) protect the privacy of an applicant.**  
 4           **(3) To advise the general assembly concerning the**  
 5           **establishment of a program for the:**  
 6           **(A) manufacture;**  
 7           **(B) cultivation;**  
 8           **(C) transportation; and**  
 9           **(D) dispensing;**  
 10          **of medical marijuana.**  
 11          **(4) To encourage research concerning medical marijuana and**  
 12          **issue licenses as described in IC 7.1-9-5.**  
 13          **Chapter 5. Research and Development**  
 14          **Sec. 1. To permit and encourage research concerning medical**  
 15          **marijuana:**  
 16               **(1) an accredited institution of higher education with a**  
 17               **physical presence in Indiana; and**  
 18               **(2) a pharmaceutical or agricultural business having a**  
 19               **research facility in Indiana;**  
 20          **may apply to DOME for a license to conduct research concerning**  
 21          **medical marijuana.**  
 22          **Sec. 2. An application under this chapter must include the**  
 23          **following:**  
 24               **(1) The nature of the research project.**  
 25               **(2) The names of the individuals who will conduct the**  
 26               **research.**  
 27               **(3) The approximate quantity of marijuana that will be used**  
 28               **in the research project.**  
 29               **(4) The security protocol to be implemented to ensure that**  
 30               **marijuana is not diverted for uses other than the research**  
 31               **project.**  
 32               **(5) Any other information required by DOME.**  
 33          **Sec. 3. Upon receipt of a completed application, DOME may**  
 34          **issue a research license to the institution of higher education or**  
 35          **pharmaceutical or agricultural business. The research license must**  
 36          **specifically list the names of each individual participating in the**  
 37          **research project who will have custody or control of marijuana for**  
 38          **research purposes and the approximate quantity of the marijuana**  
 39          **that will be used in the research project.**  
 40          **Sec. 4. DOME may charge a reasonable fee for issuance of a**  
 41          **research license.**  
 42          **SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,**



1 2017]. Sec. 8: In addition to the weed control board's powers and duties  
 2 under section 7 of this chapter, the weed control board may establish  
 3 a marijuana eradication program to eliminate and destroy wild  
 4 marijuana plants within the county. The program is funded by amounts  
 5 appropriated by the county:

6 (1) under IC 33-37-8; and

7 (2) from the county general fund.

8 SECTION 9. IC 33-37-4-1, AS AMENDED BY THE TECHNICAL  
 9 CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS  
 10 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

11 Sec. 1. (a) For each action that results in a felony conviction under  
 12 IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk  
 13 shall collect from the defendant a criminal costs fee of one hundred  
 14 twenty dollars (\$120).

15 (b) In addition to the criminal costs fee collected under this section,  
 16 the clerk shall collect from the defendant the following fees if they are  
 17 required under IC 33-37-5:

18 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 19 IC 33-37-5-4).

20 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

21 ~~(3) (2) An alcohol and drug services program user fee~~  
 22 ~~(IC 33-37-5-8(b)).~~

23 ~~(4) (3) A law enforcement continuing education program fee~~  
 24 ~~(IC 33-37-5-8(c)).~~

25 ~~(5) (4) A drug abuse, prosecution, interdiction, and correction fee~~  
 26 ~~(IC 33-37-5-9).~~

27 ~~(6) (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).~~

28 ~~(7) (6) A child abuse prevention fee (IC 33-37-5-12).~~

29 ~~(8) (7) A domestic violence prevention and treatment fee~~  
 30 ~~(IC 33-37-5-13).~~

31 ~~(9) (8) A highway work worksite zone fee (IC 33-37-5-14).~~

32 ~~(10) (9) A deferred prosecution fee (IC 33-37-5-17).~~

33 ~~(11) (10) A document storage fee (IC 33-37-5-20).~~

34 ~~(12) (11) An automated record keeping fee (IC 33-37-5-21).~~

35 ~~(13) (12) A late payment fee (IC 33-37-5-22).~~

36 ~~(14) (13) A sexual assault victims assistance fee (IC 33-37-5-23).~~

37 ~~(15) (14) A public defense administration fee (IC 33-37-5-21.2).~~

38 ~~(16) (15) A judicial insurance adjustment fee (IC 33-37-5-25).~~

39 ~~(17) (16) A judicial salaries fee (IC 33-37-5-26).~~

40 ~~(18) (17) A court administration fee (IC 33-37-5-27).~~

41 ~~(19) (18) A DNA sample processing fee (IC 33-37-5-26.2).~~

42 (c) Instead of the criminal costs fee prescribed by this section,



1 except for the automated record keeping fee (IC 33-37-5-21), the clerk  
 2 shall collect a pretrial diversion program fee if an agreement between  
 3 the prosecuting attorney and the accused person entered into under  
 4 IC 33-39-1-8 requires payment of those fees by the accused person.

5 The pretrial diversion program fee is:

- 6 (1) an initial user's fee of fifty dollars (\$50); and
- 7 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 8 the person remains in the pretrial diversion program.

9 (d) The clerk shall transfer to the county auditor or city or town  
 10 fiscal officer the following fees, not later than thirty (30) days after the  
 11 fees are collected:

- 12 (1) The pretrial diversion fee.
- 13 ~~(2) The marijuana eradication program fee.~~
- 14 ~~(3) (2) The alcohol and drug services program user fee.~~
- 15 ~~(4) (3) The law enforcement continuing education program fee.~~

16 The auditor or fiscal officer shall deposit fees transferred under this  
 17 subsection in the appropriate user fee fund established under  
 18 IC 33-37-8.

19 (e) Unless otherwise directed by a court, if a clerk collects only part  
 20 of a criminal costs fee from a defendant under this section, the clerk  
 21 shall distribute the partial payment of the criminal costs fee as follows:

- 22 (1) The clerk shall apply the partial payment to general court
- 23 costs.
- 24 (2) If there is money remaining after the partial payment is
- 25 applied to general court costs under subdivision (1), the clerk
- 26 shall distribute the remainder of the partial payment for deposit in
- 27 the appropriate county user fee fund.
- 28 (3) If there is money remaining after distribution under
- 29 subdivision (2), the clerk shall distribute the remainder of the
- 30 partial payment for deposit in the state user fee fund.
- 31 (4) If there is money remaining after distribution under
- 32 subdivision (3), the clerk shall distribute the remainder of the
- 33 partial payment to any other applicable user fee fund.
- 34 (5) If there is money remaining after distribution under
- 35 subdivision (4), the clerk shall apply the remainder of the partial
- 36 payment to any outstanding fines owed by the defendant.

37 SECTION 10. IC 33-37-4-3, AS AMENDED BY THE  
 38 TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL  
 39 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2017]: Sec. 3. (a) The clerk shall collect a juvenile costs fee  
 41 of one hundred twenty dollars (\$120) for each action filed under any of  
 42 the following:



- 1 (1) IC 31-34 (children in need of services).  
 2 (2) IC 31-37 (delinquent children).  
 3 (3) IC 31-14 (paternity).  
 4 (b) In addition to the juvenile costs fee collected under this section,  
 5 the clerk shall collect the following fees, if they are required under  
 6 IC 33-37-5:  
 7 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 8 IC 33-37-5-4).  
 9 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~  
 10 ~~(3) (2) An alcohol and drug services program user fee~~  
 11 ~~(IC 33-37-5-8(b)).~~  
 12 ~~(4) (3) A law enforcement continuing education program fee~~  
 13 ~~(IC 33-37-5-8(c)).~~  
 14 ~~(5) (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).~~  
 15 ~~(6) (5) A document storage fee (IC 33-37-5-20).~~  
 16 ~~(7) (6) An automated record keeping fee (IC 33-37-5-21).~~  
 17 ~~(8) (7) A late payment fee (IC 33-37-5-22).~~  
 18 ~~(9) (8) A public defense administration fee (IC 33-37-5-21.2).~~  
 19 ~~(10) (9) A judicial insurance adjustment fee (IC 33-37-5-25).~~  
 20 ~~(11) (10) A judicial salaries fee (IC 33-37-5-26).~~  
 21 ~~(12) (11) A court administration fee (IC 33-37-5-27).~~  
 22 ~~(13) (12) A DNA sample processing fee (IC 33-37-5-26.2).~~  
 23 (c) The clerk shall transfer to the county auditor or city or town  
 24 fiscal officer the following fees not later than thirty (30) days after they  
 25 are collected:  
 26 ~~(1) The marijuana eradication program fee (IC 33-37-5-7).~~  
 27 ~~(2) (1) The alcohol and drug services program user fee~~  
 28 ~~(IC 33-37-5-8(b)).~~  
 29 ~~(3) (2) The law enforcement continuing education program fee~~  
 30 ~~(IC 33-37-5-8(c)).~~  
 31 The auditor or fiscal officer shall deposit the fees in the appropriate  
 32 user fee fund established under IC 33-37-8.  
 33 SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,  
 34 2017]. Sec. 7: (a) This section applies to criminal actions:  
 35 ~~(b) The clerk shall collect the marijuana eradication program fee set~~  
 36 ~~by the court under IC 15-16-7-8; if:~~  
 37 ~~(1) a weed control board has been established in the county under~~  
 38 ~~IC 15-16-7-3; and~~  
 39 ~~(2) the person has been convicted of an offense under IC 35-48-4~~  
 40 ~~in a case prosecuted in that county.~~  
 41 ~~(c) The court may set a fee under this section of not more than three~~  
 42 ~~hundred dollars (\$300).~~





1 SECTION 12. IC 33-37-7-2, AS AMENDED BY THE  
 2 TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL  
 3 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2017]: Sec. 2. (a) The clerk of a circuit court shall distribute  
 5 semiannually to the auditor of state as the state share for deposit in the  
 6 homeowner protection unit account established by IC 4-6-12-9 one  
 7 hundred percent (100%) of the automated record keeping fees collected  
 8 under IC 33-37-5-21 with respect to actions resulting in the accused  
 9 person entering into a pretrial diversion program agreement under  
 10 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and  
 11 for deposit in the state general fund seventy percent (70%) of the  
 12 amount of fees collected under the following:

- 13 (1) IC 33-37-4-1(a) (criminal costs fees).
- 14 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 15 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 16 (4) IC 33-37-4-4(a) (civil costs fees).
- 17 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 18 (6) IC 33-37-4-7(a) (probate costs fees).
- 19 (7) IC 33-37-5-17 (deferred prosecution fees).

20 (b) The clerk of a circuit court shall distribute semiannually to the  
 21 auditor of state for deposit in the state user fee fund established in  
 22 IC 33-37-9-2 the following:

- 23 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 24 interdiction, and correction fees collected under  
 25 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.
- 26 (2) Twenty-five percent (25%) of the alcohol and drug  
 27 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~,  
 28 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.  
 29 **IC 33-37-4-3(b)(4)**.
- 30 (3) One hundred percent (100%) of the child abuse prevention  
 31 fees collected under ~~IC 33-37-4-1(b)(7)~~. **IC 33-37-4-1(b)(6)**.
- 32 (4) One hundred percent (100%) of the domestic violence  
 33 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~.  
 34 **IC 33-37-4-1(b)(7)**.
- 35 (5) One hundred percent (100%) of the highway ~~work~~ **worksite**  
 36 zone fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)**  
 37 and IC 33-37-4-2(b)(5).
- 38 (6) One hundred percent (100%) of the safe schools fee collected  
 39 under IC 33-37-5-18.
- 40 (7) One hundred percent (100%) of the automated record keeping  
 41 fee collected under IC 33-37-5-21 not distributed under  
 42 subsection (a).



1 (c) The clerk of a circuit court shall distribute monthly to the county  
2 auditor the following:

3 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
4 interdiction, and correction fees collected under  
5 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.

6 (2) Seventy-five percent (75%) of the alcohol and drug  
7 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
8 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.  
9 **IC 33-37-4-3(b)(4)**.

10 The county auditor shall deposit fees distributed by a clerk under this  
11 subsection into the county drug free community fund established under  
12 IC 5-2-11.

13 (d) The clerk of a circuit court shall distribute monthly to the county  
14 auditor one hundred percent (100%) of the late payment fees collected  
15 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
16 by a clerk under this subsection as follows:

17 (1) If directed to do so by an ordinance adopted by the county  
18 fiscal body, the county auditor shall deposit forty percent (40%)  
19 of the fees in the clerk's record perpetuation fund established  
20 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
21 county general fund.

22 (2) If the county fiscal body has not adopted an ordinance  
23 described in subdivision (1), the county auditor shall deposit all  
24 the fees in the county general fund.

25 (e) The clerk of the circuit court shall distribute semiannually to the  
26 auditor of state for deposit in the sexual assault victims assistance fund  
27 established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual  
28 assault victims assistance fees collected under IC 33-37-5-23.

29 (f) The clerk of a circuit court shall distribute monthly to the county  
30 auditor the following:

31 (1) One hundred percent (100%) of the support and maintenance  
32 fees for cases designated as non-Title IV-D child support cases in  
33 the Indiana support enforcement tracking system (ISETS) or the  
34 successor statewide automated support enforcement system  
35 collected under IC 33-37-5-6.

36 (2) The percentage share of the support and maintenance fees for  
37 cases designated as Title IV-D child support cases in ISETS or the  
38 successor statewide automated support enforcement system  
39 collected under IC 33-37-5-6 that is reimbursable to the county at  
40 the federal financial participation rate.

41 The county clerk shall distribute monthly to the department of child  
42 services the percentage share of the support and maintenance fees for



1 cases designated as Title IV-D child support cases in ISETS, or the  
 2 successor statewide automated support enforcement system, collected  
 3 under IC 33-37-5-6 that is not reimbursable to the county at the  
 4 applicable federal financial participation rate.

5 (g) The clerk of a circuit court shall distribute monthly to the county  
 6 auditor the following:

7 (1) One hundred percent (100%) of the small claims service fee  
 8 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
 9 the county general fund.

10 (2) One hundred percent (100%) of the small claims garnishee  
 11 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
 12 deposit in the county general fund.

13 (h) This subsection does not apply to court administration fees  
 14 collected in small claims actions filed in a court described in IC 33-34.  
 15 The clerk of a circuit court shall semiannually distribute to the auditor  
 16 of state for deposit in the state general fund one hundred percent  
 17 (100%) of the following:

18 (1) The public defense administration fee collected under  
 19 IC 33-37-5-21.2.

20 (2) The judicial salaries fees collected under IC 33-37-5-26.

21 (3) The DNA sample processing fees collected under  
 22 IC 33-37-5-26.2.

23 (4) The court administration fees collected under IC 33-37-5-27.

24 (i) The clerk of a circuit court shall semiannually distribute to the  
 25 auditor of state for deposit in the judicial branch insurance adjustment  
 26 account established by IC 33-38-5-8.2 one hundred percent (100%) of  
 27 the judicial insurance adjustment fee collected under IC 33-37-5-25.

28 (j) The proceeds of the service fee collected under  
 29 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
 30 follows:

31 (1) The clerk shall distribute one hundred percent (100%) of the  
 32 service fees collected in a circuit, superior, county, or probate  
 33 court to the county auditor for deposit in the county general fund.

34 (2) The clerk shall distribute one hundred percent (100%) of the  
 35 service fees collected in a city or town court to the city or town  
 36 fiscal officer for deposit in the city or town general fund.

37 (k) The proceeds of the garnishee service fee collected under  
 38 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
 39 follows:

40 (1) The clerk shall distribute one hundred percent (100%) of the  
 41 garnishee service fees collected in a circuit, superior, county, or  
 42 probate court to the county auditor for deposit in the county



- 1           general fund.
- 2           (2) The clerk shall distribute one hundred percent (100%) of the
- 3           garnishee service fees collected in a city or town court to the city
- 4           or town fiscal officer for deposit in the city or town general fund.
- 5           (1) The clerk of the circuit court shall distribute semiannually to the
- 6           auditor of state for deposit in the home ownership education account
- 7           established by IC 5-20-1-27 one hundred percent (100%) of the
- 8           following:
- 9           (1) The mortgage foreclosure counseling and education fees
- 10          collected under IC 33-37-5-33 (before its expiration on July 1,
- 11          2017).
- 12          (2) Any civil penalties imposed and collected by a court for a
- 13          violation of a court order in a foreclosure action under
- 14          IC 32-30-10.5.
- 15          (m) The clerk of a circuit court shall distribute semiannually to the
- 16          auditor of state one hundred percent (100%) of the pro bono legal
- 17          services fees collected before July 1, 2017, under IC 33-37-5-31. The
- 18          auditor of state shall transfer semiannually the pro bono legal services
- 19          fees to the Indiana Bar Foundation (or a successor entity) as the entity
- 20          designated to organize and administer the interest on lawyers trust
- 21          accounts (IOLTA) program under Rule 1.15 of the Rules of
- 22          Professional Conduct of the Indiana supreme court. The Indiana Bar
- 23          Foundation shall:
- 24          (1) deposit in an appropriate account and otherwise manage the
- 25          fees the Indiana Bar Foundation receives under this subsection in
- 26          the same manner the Indiana Bar Foundation deposits and
- 27          manages the net earnings the Indiana Bar Foundation receives
- 28          from IOLTA accounts; and
- 29          (2) use the fees the Indiana Bar Foundation receives under this
- 30          subsection to assist or establish approved pro bono legal services
- 31          programs.
- 32          The handling and expenditure of the pro bono legal services fees
- 33          received under this section by the Indiana Bar Foundation (or its
- 34          successor entity) are subject to audit by the state board of accounts. The
- 35          amounts necessary to make the transfers required by this subsection are
- 36          appropriated from the state general fund.
- 37          SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.213-2015,
- 38          SECTION 260, IS AMENDED TO READ AS FOLLOWS
- 39          [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The clerk of a city or town
- 40          court shall distribute semiannually to the auditor of state as the state
- 41          share for deposit in the homeowner protection unit account established
- 42          by IC 4-6-12-9 one hundred percent (100%) of the automated record



1 keeping fees collected under IC 33-37-5-21 with respect to actions  
 2 resulting in the accused person entering into a pretrial diversion  
 3 program agreement under IC 33-39-1-8 or a deferral program  
 4 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 5 fifty-five percent (55%) of the amount of fees collected under the  
 6 following:

- 7 (1) IC 33-37-4-1(a) (criminal costs fees).
- 8 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 9 (3) IC 33-37-4-4(a) (civil costs fees).
- 10 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 11 (5) IC 33-37-5-17 (deferred prosecution fees).

12 (b) The city or town fiscal officer shall distribute monthly to the  
 13 county auditor as the county share twenty percent (20%) of the amount  
 14 of fees collected under the following:

- 15 (1) IC 33-37-4-1(a) (criminal costs fees).
- 16 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 17 (3) IC 33-37-4-4(a) (civil costs fees).
- 18 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 19 (5) IC 33-37-5-17 (deferred prosecution fees).

20 (c) The city or town fiscal officer shall retain twenty-five percent  
 21 (25%) as the city or town share of the fees collected under the  
 22 following:

- 23 (1) IC 33-37-4-1(a) (criminal costs fees).
- 24 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 25 (3) IC 33-37-4-4(a) (civil costs fees).
- 26 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 27 (5) IC 33-37-5-17 (deferred prosecution fees).

28 (d) The clerk of a city or town court shall distribute semiannually to  
 29 the auditor of state for deposit in the state user fee fund established in  
 30 IC 33-37-9 the following:

- 31 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 32 interdiction, and correction fees collected under  
 33 ~~IC 33-37-4-1(b)(5)~~ **IC 33-37-4-1(b)(4)**.
- 34 (2) Twenty-five percent (25%) of the alcohol and drug  
 35 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
 36 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;  
 37 **IC 33-37-4-3(b)(4)**.
- 38 (3) One hundred percent (100%) of the highway ~~work~~ **worksite**  
 39 zone fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)**  
 40 and IC 33-37-4-2(b)(5).
- 41 (4) One hundred percent (100%) of the safe schools fee collected  
 42 under IC 33-37-5-18.



- 1 (5) One hundred percent (100%) of the automated record keeping  
 2 fee collected under IC 33-37-5-21 not distributed under  
 3 subsection (a).
- 4 (e) The clerk of a city or town court shall distribute monthly to the  
 5 county auditor the following:
- 6 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 7 interdiction, and ~~corrections~~ **correction** fees collected under  
 8 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 9 (2) Seventy-five percent (75%) of the alcohol and drug  
 10 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
 11 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;  
 12 **IC 33-37-4-3(b)(4)**.
- 13 The county auditor shall deposit fees distributed by a clerk under this  
 14 subsection into the county drug free community fund established under  
 15 IC 5-2-11.
- 16 (f) The clerk of a city or town court shall distribute monthly to the  
 17 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
 18 percent (100%) of the following:
- 19 (1) The late payment fees collected under IC 33-37-5-22.  
 20 (2) The small claims service fee collected under  
 21 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
 22 (3) The small claims garnishee service fee collected under  
 23 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 24 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
 25 fees distributed by a clerk under this subsection in the city or town  
 26 general fund.
- 27 (g) The clerk of a city or town court shall semiannually distribute to  
 28 the auditor of state for deposit in the state general fund one hundred  
 29 percent (100%) of the following:
- 30 (1) The public defense administration fee collected under  
 31 IC 33-37-5-21.2.  
 32 (2) The DNA sample processing fees collected under  
 33 IC 33-37-5-26.2.  
 34 (3) The court administration fees collected under IC 33-37-5-27.
- 35 (h) The clerk of a city or town court shall semiannually distribute to  
 36 the auditor of state for deposit in the judicial branch insurance  
 37 adjustment account established by IC 33-38-5-8.2 one hundred percent  
 38 (100%) of the judicial insurance adjustment fee collected under  
 39 IC 33-37-5-25.
- 40 (i) The clerk of a city or town court shall semiannually distribute to  
 41 the auditor of state for deposit in the state general fund seventy-five  
 42 percent (75%) of the judicial salaries fee collected under



1 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
 2 percent (25%) of the judicial salaries fee collected under  
 3 IC 33-37-5-26. The funds retained by the city or town shall be  
 4 prioritized to fund city or town court operations.

5 (j) The clerk of a city or town court shall distribute semiannually to  
 6 the auditor of state one hundred percent (100%) of the pro bono legal  
 7 services fees collected before July 1, 2017, under IC 33-37-5-31. The  
 8 auditor of state shall transfer semiannually the pro bono legal services  
 9 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
 10 designated to organize and administer the interest on lawyers trust  
 11 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 12 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 13 Foundation shall:

14 (1) deposit in an appropriate account and otherwise manage the  
 15 fees the Indiana Bar Foundation receives under this subsection in  
 16 the same manner the Indiana Bar Foundation deposits and  
 17 manages the net earnings the Indiana Bar Foundation receives  
 18 from IOLTA accounts; and

19 (2) use the fees the Indiana Bar Foundation receives under this  
 20 subsection to assist or establish approved pro bono legal services  
 21 programs.

22 The handling and expenditure of the pro bono legal services fees  
 23 received under this section by the Indiana Bar Foundation (or its  
 24 successor entity) are subject to audit by the state board of accounts. The  
 25 amounts necessary to make the transfers required by this subsection are  
 26 appropriated from the state general fund.

27 SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,  
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2017]: Sec. 5. (a) A county user fee fund is established in each  
 30 county to finance various program services. The county fund is  
 31 administered by the county auditor.

32 (b) The county fund consists of the following fees collected by a  
 33 clerk under this article and by the probation department for the juvenile  
 34 court under IC 31-37-9-9:

35 (1) The pretrial diversion program fee.

36 (2) The informal adjustment program fee.

37 ~~(3) The marijuana eradication program fee.~~

38 ~~(4) (3) The alcohol and drug services program fee.~~

39 ~~(5) (4) The law enforcement continuing education program fee.~~

40 ~~(6) (5) The deferral program fee.~~

41 ~~(7) (6) The jury fee.~~

42 ~~(8) (7) The problem solving court fee.~~



1 (c) All of the jury fee and two dollars (\$2) of a deferral program fee  
 2 collected under IC 33-37-4-2(e) shall be deposited by the county  
 3 auditor in the jury pay fund established under IC 33-37-11.

4 SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,  
 5 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2017]: Sec. 8.3. (a) This section does not apply to a rolling  
 7 paper.

8 (b) A person who knowingly or intentionally possesses an  
 9 instrument, a device, or another object that the person intends to use  
 10 for:

- 11 (1) introducing into the person's body a controlled substance;
- 12 (2) testing the strength, effectiveness, or purity of a controlled  
 13 substance; or
- 14 (3) enhancing the effect of a controlled substance;

15 commits a Class C misdemeanor. However, the offense is a Class A  
 16 misdemeanor if the person has a prior unrelated judgment or conviction  
 17 under this section.

18 **(c) It is a defense to an action or prosecution under this section**  
 19 **that:**

- 20 **(1) the person who possesses the instrument, device, or other**  
 21 **object is a:**
  - 22 **(A) qualified patient (as defined in IC 7.1-8-1-1) or**
  - 23 **qualified primary caregiver (as defined in IC 7.1-8-1-1); or**
  - 24 **(B) qualified researcher (as defined in IC 7.1-8-1-1); and**
- 25 **(2) the instrument, device, or other object is for the use of**  
 26 **medical marijuana or research relating to the use of medical**  
 27 **marijuana.**

28 SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.44-2016,  
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2017]: Sec. 10. (a) A person who:

- 31 (1) knowingly or intentionally:
  - 32 (A) manufactures;
  - 33 (B) finances the manufacture of;
  - 34 (C) delivers; or
  - 35 (D) finances the delivery of;
- 36 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
- 37 (2) possesses, with intent to:
  - 38 (A) manufacture;
  - 39 (B) finance the manufacture of;
  - 40 (C) deliver; or
  - 41 (D) finance the delivery of;
- 42 marijuana, hash oil, hashish, or salvia, pure or adulterated;





1 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A  
2 misdemeanor, except as provided in subsections (b) through (d).

3 (b) A person may be convicted of an offense under subsection (a)(2)  
4 only if:

5 (1) there is evidence in addition to the weight of the drug that the  
6 person intended to manufacture, finance the manufacture of,  
7 deliver, or finance the delivery of the drug; or

8 (2) the amount of the drug involved is at least:

9 (A) ten (10) pounds, if the drug is marijuana; or

10 (B) three hundred (300) grams, if the drug is hash oil, hashish,  
11 or salvia.

12 (c) The offense is a Level 6 felony if:

13 (1) the person has a prior conviction for a drug offense and the  
14 amount of the drug involved is:

15 (A) less than thirty (30) grams of marijuana; or

16 (B) less than five (5) grams of hash oil, hashish, or salvia; or

17 (2) the amount of the drug involved is:

18 (A) at least thirty (30) grams but less than ten (10) pounds of  
19 marijuana; or

20 (B) at least five (5) grams but less than three hundred (300)  
21 grams of hash oil, hashish, or salvia.

22 (d) The offense is a Level 5 felony if:

23 (1) the person has a prior conviction for a drug dealing offense  
24 and the amount of the drug involved is:

25 (A) at least thirty (30) grams but less than ten (10) pounds of  
26 marijuana; or

27 (B) at least five (5) grams but less than three hundred (300)  
28 grams of hash oil, hashish, or salvia; or

29 (2) the:

30 (A) amount of the drug involved is:

31 (i) at least ten (10) pounds of marijuana; or

32 (ii) at least three hundred (300) grams of hash oil, hashish,  
33 or salvia; or

34 (B) offense involved a sale to a minor.

35 (e) **It is a defense to a prosecution under this section for an**  
36 **offense involving marijuana, hash oil, or hashish that the person is**  
37 **a:**

38 (1) **qualified primary caregiver (as defined in IC 7.1-8-1-1), if:**

39 (A) **the possession or delivery of the marijuana, hash oil, or**  
40 **hashish is permitted under IC 7.1-8-2-3; and**

41 (B) **the quantity of marijuana, hash oil, or hashish**  
42 **possessed or delivered does not exceed the permissible**



- 1           **amounts set forth in IC 7.1-8-2-3; or**  
 2           **(2) qualified researcher (as defined in IC 7.1-8-1-1), if:**  
 3           **(A) the possession or delivery of the marijuana, hash oil, or**  
 4           **hashish is permitted by the research license issued by**  
 5           **DOME under IC 7.1-9-5; and**  
 6           **(B) the quantity of marijuana, hash oil, or hashish**  
 7           **possessed or delivered does not exceed the permissible**  
 8           **quantity authorized by the research license issued by**  
 9           **DOME.**
- 10           SECTION 17. IC 35-48-4-11, AS AMENDED BY  
 11           P.L.226-2014(ts), SECTION 12, IS AMENDED TO READ AS  
 12           FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) A person who:  
 13           (1) knowingly or intentionally possesses (pure or adulterated)  
 14           marijuana, hash oil, hashish, or salvia;  
 15           (2) knowingly or intentionally grows or cultivates marijuana; or  
 16           (3) knowing that marijuana is growing on the person's premises,  
 17           fails to destroy the marijuana plants;  
 18           commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 19           B misdemeanor, except as provided in subsections (b) through (c).  
 20           (b) The offense described in subsection (a) is a Class A  
 21           misdemeanor if the person has a prior conviction for a drug offense.  
 22           (c) The offense described in subsection (a) is a Level 6 felony if:  
 23           (1) the person has a prior conviction for a drug offense; and  
 24           (2) the person possesses:  
 25           (A) at least thirty (30) grams of marijuana; or  
 26           (B) at least five (5) grams of hash oil, hashish, or salvia.  
 27           **(d) It is a defense to a prosecution under this section for an**  
 28           **offense involving marijuana, hash oil, or hashish that the person is**  
 29           **a:**  
 30           **(1) qualified patient (as defined in IC 7.1-8-1-1) or qualified**  
 31           **primary caregiver (as defined under IC 7.1-8-1-1), if:**  
 32           **(A) the possession of the marijuana, hash oil, or hashish is**  
 33           **permitted under IC 7.1-8-2-2; and**  
 34           **(B) the quantity of marijuana, hash oil, or hashish**  
 35           **possessed or cultivated does not exceed the permissible**  
 36           **amounts set forth in IC 7.1-8-2-2; or**  
 37           **(2) qualified researcher (as defined in IC 7.1-8-1-1), if:**  
 38           **(A) the possession or cultivation of the marijuana, hash oil,**  
 39           **or hashish is permitted by the research license issued by**  
 40           **DOME under IC 7.1-9-5; and**  
 41           **(B) the quantity of marijuana, hash oil, or hashish**  
 42           **possessed or cultivated does not exceed the permissible**



1                    **quantity authorized by the research license issued by**  
2                    **DOME.**  
3                    SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA  
4                    CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5                    [EFFECTIVE JULY 1, 2017]: **Sec. 97. IC 7.1-8-2-1 defines crimes**  
6                    **concerning medical marijuana.**

