



February 18, 2015

SENATE BILL No. 536

DIGEST OF SB 536 (Updated February 17, 2015 1:24 pm - DI 106)

Citations Affected: IC 10-11; IC 25-26; IC 35-31.5; IC 35-48.

Synopsis: Methamphetamine. Requires courts to report drug related felonies to the state police department. Requires the state police department to report drug related felonies to NPLeX so that NPLeX can generate a stop sale alerts 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. Requires the state police department, in January 2020, to report the number of methamphetamine laboratories discovered in calendar year 2019. Provides that if the number of methamphetamine laboratories discovered is greater than 400: (1) ephedrine and pseudoephedrine become Schedule IV controlled substances from 2020 until 2023; and (2) reporting requirements relating to the purchase of ephedrine and pseudoephedrine, as well as certain provisions relating to retail sale, are suspended from 2020 to 2023.

Effective: Upon passage; July 1, 2015; January 1, 2016.

**Young R Michael, Yoder, Head,
Arnold J, Waltz, Taylor, Tomes**

January 14, 2015, read first time and referred to Committee on Corrections & Criminal Law.

February 17, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 536—LS 6523/DI 107



February 18, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 536

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 10-11-2-31.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2016]: **Sec. 31.5. (a) This section does**
4 **not apply from July 1, 2020, through June 30, 2023, unless the**
5 **superintendent of the state police department has submitted a**
6 **report under IC 10-11-2-34 showing that four hundred (400) or**
7 **fewer methamphetamine laboratories were discovered in Indiana**
8 **during calendar year 2019.**
9 (b) As used in this section, "drug related felony" has the
10 meaning set forth in IC 35-48-4-18.
11 (c) The superintendent shall:
12 (1) receive reports from courts regarding drug related
13 felonies;
14 (2) notify the National Precursor Log Exchange (NPLEx) of
15 each drug related felony entered within the previous seven (7)
16 years and provide the following information:

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- 1 (A) the convicted individual's full name;
 2 (B) the convicted individual's date of birth;
 3 (C) the convicted individual's driver's license number or
 4 state personal identification number; and
 5 (D) the date the individual was convicted of the drug
 6 related felony;
 7 (3) request that a stop sale alert be generated through the
 8 National Precursor Log Exchange (NPLEx) for each
 9 individual reported under subdivision (2); and
 10 (4) notify the National Precursor Log Exchange (NPLEx):
 11 (A) if the drug related felony of an individual reported
 12 under subdivision (2) has been:
 13 (i) set aside;
 14 (ii) reversed;
 15 (iii) expunged; or
 16 (iv) vacated; and
 17 (B) if clause (A) applies, that a stop sale alert should not be
 18 issued for the individual.

19 SECTION 2. IC 10-11-2-34 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2015]: **Sec. 34. The superintendent shall submit a certified report
 22 before January 18, 2020, specifically describing the number of
 23 methamphetamine laboratories discovered in Indiana in calendar
 24 year 2019. The report shall be submitted to the legislative council,
 25 the governor, and the chief justice of Indiana. The report to the
 26 legislative council must be in an electronic format under IC 5-14-6.**

27 SECTION 3. IC 25-26-13-4.2 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2015]: **Sec. 4.2. (a) This section does not
 30 apply if the superintendent of the state police department has
 31 submitted a report under IC 10-11-2-34, showing that four
 32 hundred (400) or fewer methamphetamine laboratories were
 33 discovered in Indiana during calendar year 2019. If this section
 34 applies, it applies only between July 1, 2020, and June 30, 2023.**

35 (b) The board may adopt an emergency rule in the manner
 36 provided under IC 4-22-2-37.1 to declare that a product is an
 37 extraction resistant or conversion resistant form of ephedrine or
 38 pseudoephedrine. Notwithstanding IC 4-22-2-37.1(g), an
 39 emergency rule adopted under this subsection expires June 30,
 40 2023.

41 (c) The board shall find that a product is an extraction resistant
 42 or conversion resistant form of ephedrine or pseudoephedrine if



1 **the board determines that the product poses a significantly reduced**
 2 **risk of being used in the manufacture of methamphetamine.**

3 **(d) This section expires June 30, 2023.**

4 SECTION 4. IC 35-31.5-2-61, AS ADDED BY P.L.114-2012,
 5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2016]: Sec. 61. "Constant video monitoring", for
 7 purposes of IC 35-48-4-14.7, has the meaning set forth in
 8 ~~IC 35-48-4-14.7(b)(1).~~ **IC 35-48-4-14.7.**

9 SECTION 5. IC 35-31.5-2-66, AS ADDED BY P.L.114-2012,
 10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2016]: Sec. 66. "Convenience package", for purposes of
 12 IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(2).~~
 13 **IC 35-48-4-14.7.**

14 SECTION 6. IC 35-31.5-2-106.5 IS ADDED TO THE INDIANA
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: **Sec. 106.5. "Drug related felony",**
 17 **for purposes of IC 35-48-4-18, has the meaning set forth in**
 18 **IC 35-48-4-18.**

19 SECTION 7. IC 35-31.5-2-120, AS ADDED BY P.L.114-2012,
 20 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2016]: Sec. 120. "Ephedrine", for purposes of
 22 IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(3).~~
 23 **IC 35-48-4-14.7.**

24 SECTION 8. IC 35-48-2-10, AS AMENDED BY P.L.283-2013,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 10. (a) The controlled substances listed in this
 27 section are included in schedule IV.

28 (b) Narcotic drugs. Unless specifically excepted in a rule adopted
 29 by the board or unless listed in another schedule, any material,
 30 compound, mixture, or preparation containing any of the following
 31 narcotic drugs, or their salts calculated as the free anhydrous base or
 32 alkaloid, in the following limited quantities:

33 (1) Not more than 1 milligram of difenoxin (9618) and not less
 34 than 25 micrograms of atropine sulfate per dosage unit.

35 (2) Dextropropoxyphene (alpha- (+)-4-dimethylamino-1,2-
 36 diphenyl-3-methyl-2-propionoxybutane (9278).

37 (c) Depressants. Unless specifically excepted in a rule adopted by
 38 the board or unless listed in another schedule, any material, compound,
 39 mixture, or preparation which contains any quantity of the following
 40 substances, including its salts, isomers, and salts of isomers whenever
 41 the existence of such salts, isomers, and salts of isomers is possible
 42 within the specific chemical designation:



1	Alprazolam (2882).
2	Barbital (2145).
3	Bromazepam (2748).
4	Camazepam (2749).
5	Carisoprodol.
6	Chloral betaine (2460).
7	Chloral hydrate (2465).
8	Chlordiazepoxide (2744).
9	Clobazam (2751).
10	Clonazepam (2737).
11	Clorazepate (2768).
12	Clotiazepam (2752).
13	Cloxazolam (2753).
14	Delorazepam (2754).
15	Diazepam (2765).
16	Dichloralphenazone (2467).
17	Estazolam (2756).
18	Ethchlorvynol (2540).
19	Ethinamate (2545).
20	Ethyl loflazepate (2758).
21	Fludiazepam (2759).
22	Flunitrazepam (2763).
23	Flurazepam (2767).
24	Fospropofol.
25	Halazepam (2762).
26	Haloxazolam (2771).
27	Ketazolam (2772).
28	Loprazolam (2773).
29	Lorazepam (2885).
30	Lormetazepam (2774).
31	Mebutamate (2800).
32	Medazepam (2836).
33	Meprobamate (2820).
34	Methohexital (2264).
35	Methylphenobarbital (mephobarbital) (2250).
36	Midazolam (2884).
37	Nimetazepam (2837).
38	Nitrazepam (2834).
39	Nordiazepam (2838).
40	Oxazepam (2835).
41	Oxazolam (2839).
42	Paraldehyde (2585).



1 Petrichloral (2591).
 2 Phenobarbital (2285).
 3 Pinazepam (2883).
 4 Prazepam (2764).
 5 Quazepam (2881).
 6 Temazepam (2925).
 7 Tetrazepam (2886).
 8 Triazolam (2887).
 9 Zaleplon (2781).
 10 Zolpidem (Ambien) (2783).
 11 Zopiclone (2784).

12 (d) Fenfluramine. Any material, compound, mixture, or preparation
 13 which contains any quantity of the following substances, including its
 14 salts, isomers (whether optical, position, or geometric), and salts of
 15 such isomers, whenever the existence of such salts, isomers, and salts
 16 of isomers is possible.

17 Fenfluramine (1670).

18 (e) Stimulants. Unless specifically excepted in a rule adopted by the
 19 board or unless listed in another schedule, any material, compound,
 20 mixture, or preparation which contains any quantity of the following
 21 substances having a stimulant effect on the central nervous system,
 22 including its salts, isomers (whether optical, position, or geometric),
 23 and salts of such isomers whenever the existence of such salts, isomers,
 24 and salts of isomers is possible within the specific chemical
 25 designation:

26 Cathine ((+)-norpseudoephedrine) (1230).

27 Diethylpropion (1610).

28 Fencamfamin (1760).

29 Fenproporex (1575).

30 Mazindol (1605).

31 Mefenorex (1580).

32 Modafinil (1680).

33 Phentermine (1640).

34 Pemoline (including organometallic complexes and chelates
 35 thereof) (1530).

36 Pipradrol (1750).

37 Sibutramine (1675).

38 SPA ((-)-1-dimethylamino-1,2-diphenylethane) (1635).

39 (f) Other substances. Unless specifically excepted or unless listed
 40 in another schedule, any material, compound, mixture, or preparation
 41 which contains any quantity of the following substances including its
 42 salts:



1 Butorphanol (including its optical isomers) (9720).

2 Pentazocine (9709).

3 **(g) This subsection applies from July 1, 2020, through June 30,**
 4 **2023, unless the superintendent of the state police department has**
 5 **submitted a report under IC 10-11-2-34 showing that four hundred**
 6 **(400) or fewer methamphetamine laboratories were discovered in**
 7 **Indiana during calendar year 2019. Except for a product that has**
 8 **been found by the Indiana board of pharmacy to be an extraction**
 9 **resistant or conversion resistant form of ephedrine or**
 10 **pseudoephedrine under IC 25-26-13-4.2, a material, compound,**
 11 **mixture, or preparation that contains a quantity of any of the**
 12 **following substances, pure or adulterated:**

13 **(1) Ephedrine.**

14 **(2) Pseudoephedrine.**

15 **However, this subsection does not apply to a wholesale drug**
 16 **distributor licensed and regulated by the Indiana board of**
 17 **pharmacy and registered with the United States Drug Enforcement**
 18 **Administration, and exempts the distributor from storage,**
 19 **reporting, record keeping, or physical security control**
 20 **requirements for controlled substances containing ephedrine or**
 21 **pseudoephedrine.**

22 ~~(g)~~ **(h)** The board may except by rule any compound, mixture, or
 23 preparation containing any depressant substance listed in subsection
 24 (b), (c), (d), (e), or (f) from the application of any part of this article if
 25 the compound, mixture, or preparation contains one (1) or more active
 26 medicinal ingredients not having a depressant effect on the central
 27 nervous system, and if the admixtures are included therein in
 28 combinations, quantity, proportion, or concentration that vitiate the
 29 potential for abuse of the substances which have a depressant effect on
 30 the central nervous system.

31 SECTION 9. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014,
 32 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this
 34 section, "chemical reagents or precursors" refers to one (1) or more of
 35 the following:

36 (1) Ephedrine.

37 (2) Pseudoephedrine.

38 (3) Phenylpropanolamine.

39 (4) The salts, isomers, and salts of isomers of a substance
 40 identified in subdivisions (1) through (3).

41 (5) Anhydrous ammonia or ammonia solution (as defined in
 42 IC 22-11-20-1).



- 1 (6) Organic solvents.
- 2 (7) Hydrochloric acid.
- 3 (8) Lithium metal.
- 4 (9) Sodium metal.
- 5 (10) Ether.
- 6 (11) Sulfuric acid.
- 7 (12) Red phosphorous.
- 8 (13) Iodine.
- 9 (14) Sodium hydroxide (lye).
- 10 (15) Potassium dichromate.
- 11 (16) Sodium dichromate.
- 12 (17) Potassium permanganate.
- 13 (18) Chromium trioxide.
- 14 (19) Benzyl cyanide.
- 15 (20) Phenylacetic acid and its esters or salts.
- 16 (21) Piperidine and its salts.
- 17 (22) Methylamine and its salts.
- 18 (23) Isosafrole.
- 19 (24) Safrole.
- 20 (25) Piperonal.
- 21 (26) Hydriodic acid.
- 22 (27) Benzaldehyde.
- 23 (28) Nitroethane.
- 24 (29) Gamma-butyrolactone.
- 25 (30) White phosphorus.
- 26 (31) Hypophosphorous acid and its salts.
- 27 (32) Acetic anhydride.
- 28 (33) Benzyl chloride.
- 29 (34) Ammonium nitrate.
- 30 (35) Ammonium sulfate.
- 31 (36) Hydrogen peroxide.
- 32 (37) Thionyl chloride.
- 33 (38) Ethyl acetate.
- 34 (39) Pseudoephedrine hydrochloride.
- 35 (b) A person who possesses more than ten (10) grams of ephedrine,
- 36 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
- 37 commits a Level 6 felony. However, the offense is a Level 5 felony if
- 38 the person possessed:
- 39 (1) a firearm while possessing more than ten (10) grams of
- 40 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
- 41 adulterated; or
- 42 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or



- 1 phenylpropanolamine, pure or adulterated, in, on, or within five
 2 hundred (500) feet of:
- 3 (A) school property while a person under eighteen (18) years
 4 of age was reasonably expected to be present; or
 5 (B) a public park while a person under eighteen (18) years of
 6 age was reasonably expected to be present.
- 7 (c) A person who possesses anhydrous ammonia or ammonia
 8 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 9 methamphetamine or amphetamine, schedule II controlled substances
 10 under IC 35-48-2-6, commits a Level 6 felony. However, the offense
 11 is a Level 5 felony if the person possessed:
- 12 (1) a firearm while possessing anhydrous ammonia or ammonia
 13 solution (as defined in IC 22-11-20-1) with intent to manufacture
 14 methamphetamine or amphetamine, schedule II controlled
 15 substances under IC 35-48-2-6; or
 16 (2) anhydrous ammonia or ammonia solution (as defined in
 17 IC 22-11-20-1) with intent to manufacture methamphetamine or
 18 amphetamine, schedule II controlled substances under
 19 IC 35-48-2-6, in, on, or within five hundred (500) feet of:
- 20 (A) school property while a person under eighteen (18) years
 21 of age was reasonably expected to be present; or
 22 (B) a public park while a person under eighteen (18) years of
 23 age was reasonably expected to be present.
- 24 (d) Subsection (b) does not apply to a:
- 25 (1) licensed health care provider, pharmacist, retail distributor,
 26 wholesaler, manufacturer, warehouseman, or common carrier or
 27 an agent of any of these persons if the possession is in the regular
 28 course of lawful business activities; or
 29 (2) person who possesses more than ten (10) grams of a substance
 30 described in subsection (b) if the substance is possessed under
 31 circumstances consistent with typical medicinal or household use,
 32 including:
- 33 (A) the location in which the substance is stored;
 34 (B) the possession of the substance in a variety of:
 35 (i) strengths;
 36 (ii) brands; or
 37 (iii) types; or
 38 (C) the possession of the substance:
 39 (i) with different expiration dates; or
 40 (ii) in forms used for different purposes.
- 41 (e) A person who possesses two (2) or more chemical reagents or
 42 precursors with the intent to manufacture a controlled substance



- 1 commits a Level 6 felony.
- 2 (f) An offense under subsection (e) is a Level 5 felony if the person
- 3 possessed:
- 4 (1) a firearm while possessing two (2) or more chemical reagents
- 5 or precursors with intent to manufacture a controlled substance;
- 6 or
- 7 (2) two (2) or more chemical reagents or precursors with intent to
- 8 manufacture a controlled substance in, on, or within five hundred
- 9 (500) feet of:
- 10 (A) school property while a person under eighteen (18) years
- 11 of age was reasonably expected to be present; or
- 12 (B) a public park while a person under eighteen (18) years of
- 13 age was reasonably expected to be present.
- 14 (g) A person who sells, transfers, distributes, or furnishes a chemical
- 15 reagent or precursor to another person with knowledge or the intent that
- 16 the recipient will use the chemical reagent or precursors to manufacture
- 17 a controlled substance commits unlawful sale of a precursor, a Level
- 18 6 felony. However, the offense is a Level 5 felony if the person sells,
- 19 transfers, distributes, or furnishes more than ten (10) grams of
- 20 ephedrine, pseudoephedrine, or phenylpropanolamine.
- 21 (h) This subsection does not apply to a drug containing ephedrine,
- 22 pseudoephedrine, or phenylpropanolamine that is dispensed under a
- 23 prescription. A person who:
- 24 (1) has been convicted of:
- 25 (A) dealing in methamphetamine (IC 35-48-4-1.1);
- 26 (B) possession of more than ten (10) grams of ephedrine,
- 27 pseudoephedrine, or phenylpropanolamine (subsection (b));
- 28 (C) possession of anhydrous ammonia or ammonia solution (as
- 29 defined in IC 22-11-20-1) with intent to manufacture
- 30 methamphetamine or amphetamine (subsection (c));
- 31 (D) possession of two (2) or more chemical reagents or
- 32 precursors with the intent to manufacture a controlled
- 33 substance (subsection (e)); or
- 34 (E) unlawful sale of a precursor (subsection (g)); or
- 35 **(F) another drug related felony (as defined in**
- 36 **IC 35-48-4-18); and**
- 37 (2) not later than seven (7) years from the date the person was
- 38 sentenced for the offense;
- 39 knowingly or intentionally possesses ephedrine, pseudoephedrine, or
- 40 phenylpropanolamine, pure or adulterated, commits possession of a
- 41 precursor by a methamphetamine offender, a Level 6 felony.
- 42 SECTION 10. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JANUARY 1, 2016]: Sec. 14.7. (a) **This section does not apply from
 3 July 1, 2020, through June 30, 2023, unless the superintendent of
 4 the state police department has submitted a report under
 5 IC 10-11-2-34 showing that four hundred (400) or fewer
 6 methamphetamine laboratories were discovered in Indiana during
 7 calendar year 2019.**

8 (b) This section does not apply to the following:

9 (1) Ephedrine or pseudoephedrine dispensed pursuant to a
 10 prescription.

11 (2) The sale of a drug containing ephedrine or pseudoephedrine
 12 to a licensed health care provider, pharmacist, retail distributor,
 13 wholesaler, manufacturer, or an agent of any of these persons if
 14 the sale occurs in the regular course of lawful business activities.
 15 However, a retail distributor, wholesaler, or manufacturer is
 16 required to report a suspicious order to the state police department
 17 in accordance with subsection ~~(g)~~: **(h)**.

18 (3) The sale of a drug containing ephedrine or pseudoephedrine
 19 by a person who does not sell exclusively to walk-in customers for
 20 the personal use of the walk-in customers. However, if the person
 21 described in this subdivision is a retail distributor, wholesaler, or
 22 manufacturer, the person is required to report a suspicious order
 23 to the state police department in accordance with subsection ~~(g)~~:
 24 **(h)**.

25 ~~(b)~~ (c) The following definitions apply throughout this section:

26 (1) "Constant video monitoring" means the surveillance by an
 27 automated camera that:

28 (A) records at least one (1) photograph or digital image every
 29 ten (10) seconds;

30 (B) retains a photograph or digital image for at least
 31 seventy-two (72) hours;

32 (C) has sufficient resolution and magnification to permit the
 33 identification of a person in the area under surveillance; and

34 (D) stores a recorded photograph or digital image at a location
 35 that is immediately accessible to a law enforcement officer.

36 (2) "Convenience package" means a package that contains a drug
 37 having as an active ingredient not more than sixty (60) milligrams
 38 of ephedrine or pseudoephedrine, or both.

39 (3) "Ephedrine" means pure or adulterated ephedrine.

40 (4) "Pharmacy or NPLeX retailer" means:

41 (A) a pharmacy, as defined in IC 25-26-13-2;

42 (B) a retailer containing a pharmacy, as defined in



- 1 IC 25-26-13-2; or
 2 (C) a retailer that electronically submits the required
 3 information to the National Precursor Log Exchange (NPLEx).
 4 ~~administered by the National Association of Drug Diversion~~
 5 ~~Investigators (NADDI).~~
- 6 (5) "Pseudoephedrine" means pure or adulterated
 7 pseudoephedrine.
- 8 (6) "Retailer" means a grocery store, general merchandise store,
 9 or other similar establishment. The term does not include a
 10 pharmacy or NPLEx retailer.
- 11 (7) "Suspicious order" means a sale or transfer of a drug
 12 containing ephedrine or pseudoephedrine if the sale or transfer:
 13 (A) is a sale or transfer that the retail distributor, wholesaler,
 14 or manufacturer is required to report to the United States Drug
 15 Enforcement Administration;
 16 (B) appears suspicious to the retail distributor, wholesaler, or
 17 manufacturer in light of the recommendations contained in
 18 Appendix A of the report to the United States attorney general
 19 by the suspicious orders task force under the federal
 20 Comprehensive Methamphetamine Control Act of 1996; or
 21 (C) is for cash or a money order in a total amount of at least
 22 two hundred dollars (\$200).
- 23 (8) "Unusual theft" means the theft or unexplained disappearance
 24 from a particular pharmacy or NPLEx retailer of drugs containing
 25 ten (10) grams or more of ephedrine, pseudoephedrine, or both in
 26 a twenty-four (24) hour period.
- 27 ~~(e)~~ (d) A drug containing ephedrine or pseudoephedrine may be
 28 sold only by a pharmacy or NPLEx retailer. Except as provided in
 29 subsection ~~(f)~~; ~~(g)~~, a retailer may not sell a drug containing ephedrine
 30 or pseudoephedrine.
- 31 ~~(d)~~ (e) A pharmacy or NPLEx retailer may sell a drug that contains
 32 the active ingredient of ephedrine, pseudoephedrine, or both only if the
 33 pharmacy or NPLEx retailer complies with the following conditions:
 34 (1) The pharmacy or NPLEx retailer does not sell the drug to a
 35 person less than eighteen (18) years of age.
 36 (2) The pharmacy or NPLEx retailer does not sell drugs
 37 containing more than:
 38 (A) three and six-tenths (3.6) grams of ephedrine or
 39 pseudoephedrine, or both, to one (1) individual on one (1) day;
 40 (B) seven and two-tenths (7.2) grams of ephedrine or
 41 pseudoephedrine, or both, to one (1) individual in a thirty (30)
 42 day period; or



- 1 (C) sixty-one and two-tenths (61.2) grams of ephedrine or
 2 pseudoephedrine, or both, to one (1) individual in a three
 3 hundred sixty-five (365) day period.
- 4 (3) The pharmacy or NPLeX retailer requires:
- 5 (A) the purchaser to produce a valid government issued photo
 6 identification card showing the date of birth of the person;
 7 (B) the purchaser to sign a written or electronic log attesting
 8 to the validity of the information; and
 9 (C) the clerk who is conducting the transaction to initial or
 10 electronically record the clerk's identification on the log.
- 11 Records from the completion of a log must be retained for at least
 12 two (2) years. A law enforcement officer has the right to inspect
 13 and copy a log or the records from the completion of a log in
 14 accordance with state and federal law. A pharmacy or NPLeX
 15 retailer may not sell or release a log or the records from the
 16 completion of a log for a commercial purpose. The Indiana
 17 criminal justice institute may obtain information concerning a log
 18 or the records from the completion of a log from a law
 19 enforcement officer if the information may not be used to identify
 20 a specific individual and is used only for statistical purposes. A
 21 pharmacy or NPLeX retailer that in good faith releases
 22 information maintained under this subsection is immune from
 23 civil liability unless the release constitutes gross negligence or
 24 intentional, wanton, or willful misconduct.
- 25 (4) The pharmacy or NPLeX retailer maintains a record of
 26 information for each sale of a nonprescription product containing
 27 pseudoephedrine or ephedrine. Required information includes:
- 28 (A) the name and address of each purchaser;
 29 (B) the type of identification presented;
 30 (C) the governmental entity that issued the identification;
 31 (D) the identification number; and
 32 (E) the ephedrine or pseudoephedrine product purchased,
 33 including the number of grams the product contains and the
 34 date and time of the transaction.
- 35 (5) Beginning January 1, 2012, a pharmacy or NPLeX retailer
 36 shall, except as provided in subdivision (6), before completing a
 37 sale of an over-the-counter product containing pseudoephedrine
 38 or ephedrine, electronically submit the required information to the
 39 National Precursor Log Exchange (NPLeX), administered by the
 40 National Association of Drug Diversion Investigators (NADDI);
 41 if the NPLeX system is available to pharmacies or NPLeX
 42 retailers in the state without a charge for accessing the system.



1 The pharmacy or NPLeX retailer may not complete the sale if the
 2 system generates a stop sale alert, **including a stop sale alert for**
 3 **a person convicted of a drug related felony reported under**
 4 **IC 10-11-2-31.5.**

5 (6) If a pharmacy or NPLeX retailer selling an over-the-counter
 6 product containing ephedrine or pseudoephedrine experiences
 7 mechanical or electronic failure of the electronic sales tracking
 8 system and is unable to comply with the electronic sales tracking
 9 requirement, the pharmacy or NPLeX retailer shall maintain a
 10 written log or an alternative electronic recordkeeping mechanism
 11 until the pharmacy or NPLeX retailer is able to comply with the
 12 electronic sales tracking requirement.

13 (7) The pharmacy or NPLeX retailer stores the drug behind a
 14 counter in an area inaccessible to a customer or in a locked
 15 display case that makes the drug unavailable to a customer
 16 without the assistance of an employee.

17 ~~(e)~~ **(f)** A person may not purchase drugs containing more than:

18 (1) three and six-tenths (3.6) grams of ephedrine or
 19 pseudoephedrine, or both, on one (1) day;

20 (2) seven and two-tenths (7.2) grams of ephedrine or
 21 pseudoephedrine, or both, in a thirty (30) day period; or

22 (3) sixty-one and two-tenths (61.2) grams of ephedrine or
 23 pseudoephedrine, or both, in a three hundred sixty-five (365) day
 24 period.

25 These limits apply to the total amount of base ephedrine and
 26 pseudoephedrine contained in the products and not to the overall
 27 weight of the products.

28 ~~(f)~~ **(g)** This subsection only applies to convenience packages. A
 29 retailer may sell convenience packages under this section without
 30 complying with the conditions listed in subsection ~~(d)~~: **(e)**:

31 (1) after June 30, 2013; and

32 (2) before January 1, 2014.

33 A retailer may not sell drugs containing more than sixty (60)
 34 milligrams of ephedrine or pseudoephedrine, or both in any one (1)
 35 transaction. A retailer who sells convenience packages must secure the
 36 convenience packages behind the counter in an area inaccessible to a
 37 customer or in a locked display case that makes the drug unavailable
 38 to a customer without the assistance of an employee. A retailer may not
 39 sell a drug containing ephedrine or pseudoephedrine after December
 40 31, 2013.

41 ~~(g)~~ **(h)** A retail distributor, wholesaler, or manufacturer shall report
 42 a suspicious order to the state police department in writing.



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

11 ~~(i)~~ **(j)** A unit (as defined in IC 36-1-2-23) may not adopt an
 12 ordinance after February 1, 2005, that is more stringent than this
 13 section.

14 ~~(j)~~ **(k)** A person who knowingly or intentionally violates this section
 15 commits a Class C misdemeanor. However, the offense is a Class A
 16 misdemeanor if the person has a prior unrelated conviction under this
 17 section.

18 ~~(k)~~ **(l)** A pharmacy or NPLeX retailer that uses the electronic sales
 19 tracking system in accordance with this section is immune from civil
 20 liability for any act or omission committed in carrying out the duties
 21 required by this section, unless the act or omission was due to
 22 negligence, recklessness, or deliberate or wanton misconduct. A
 23 pharmacy or NPLeX retailer is immune from liability to a third party
 24 unless the pharmacy or NPLeX retailer has violated a provision of this
 25 section and the third party brings an action based on the pharmacy's or
 26 NPLeX retailer's violation of this section.

27 ~~(l)~~ **(m)** The following requirements apply to the NPLeX:

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

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

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

34 (4) At least one (1) time per ~~week~~, **NADDI shall forward day,**
 35 **Indiana data contained in the NPLeX including data concerning**
 36 **a for the previous calendar day shall be forwarded transaction**
 37 **that could not be completed due to the issuance of a stop sale**
 38 **alert**, to the state police department.

39 SECTION 11. IC 35-48-4-14.8 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2015]: **Sec. 14.8. (a) This section applies:**

42 **(1) to a pharmacy or NPLeX retailer that, as of June 30, 2020,**



- 1 kept a written or electronic log required by IC 35-48-1-14.7;
 2 and
 3 (2) if IC 35-48-4-14.7 does not apply during the period from
 4 July 1, 2020, through June 30, 2023.
 5 (b) Notwithstanding the inapplicability of section 14.7 of this
 6 chapter from July 1, 2020, through June 30, 2023, a pharmacy or
 7 NPLEx retailer described in subsection (a) shall:
 8 (1) continue to maintain, through June 30, 2023, its electronic
 9 or written log as the log existed on June 30, 2020; and
 10 (2) provide access to the log to any law enforcement officer or
 11 the criminal justice institute.
 12 (c) This section expires July 1, 2023.
 13 SECTION 12. IC 35-48-4-18 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JANUARY 1, 2016]: **Sec. 18. (a) This section does not**
 16 **apply from July 1, 2020, through June 30, 2023, unless the**
 17 **superintendent of the state police department has submitted a**
 18 **report under IC 10-11-2-34 showing that four hundred (400) or**
 19 **fewer methamphetamine laboratories were discovered in Indiana**
 20 **during calendar year 2019.**
 21 (b) As used in this section, "drug related felony" means a felony
 22 conviction for an offense described in:
 23 (1) sections 1 through 11.5 of this chapter; or
 24 (2) sections 13 through 14.7 of this chapter.
 25 (c) The court shall report any conviction for a drug related
 26 felony to the state police department for purposes of
 27 IC 10-11-2-31.5. The report must contain at least the following
 28 information:
 29 (1) The convicted individual's full name.
 30 (2) The convicted individual's date of birth.
 31 (3) The convicted individual's driver's license number or state
 32 personal identification number.
 33 (4) The Indiana Code citation and associated cause number of
 34 the drug related felony of which the individual was convicted.
 35 (5) The date the individual was convicted of the drug related
 36 felony.
 37 SECTION 13. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2016]".

Page 1, line 3, after "(a)" insert "**This section does not apply from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019.**

(b) As used in this section, "drug related felony" has the meaning set forth in IC 35-48-4-18.

(c)".

Page 1, line 5, delete "methamphetamine" and insert "**drug**".

Page 1, line 6, delete "convictions;" and insert "**felonies;**".

Page 1, line 7, delete "National Association of Drug Diversion" and insert "**National Precursor Log Exchange (NPLEx)**".

Page 1, line 8, delete "Investigators (NADDI)".

Page 1, line 8, delete "methamphetamine" and insert "**drug**".

Page 1, line 9, delete "conviction" and insert "**felony entered within the previous seven (7) years**".

Page 1, line 13, after "number;" insert "**and**".

Page 1, delete lines 14 through 15.

Page 1, line 16, delete "(E)" and insert "**(D)**".

Page 2, delete line 1 and insert "**drug related felony;**".

Page 2, line 2, delete "the National Association of Drug Diversion".

Page 2, line 3, delete "Investigators (NADDI) generate".

Page 2, line 3, after "alert" insert "**be generated**".

Page 2, line 6, delete "National Association of Drug Diversion" and insert "**National Precursor Log Exchange (NPLEx)**".

Page 2, delete line 7.

Page 2, line 8, delete "methamphetamine" and insert "**drug**".

Page 2, line 8, delete "conviction" and insert "**felony**".

Page 2, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 2. IC 10-11-2-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 34. The superintendent shall submit a certified report**



before January 18, 2020, specifically describing the number of methamphetamine laboratories discovered in Indiana in calendar year 2019. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 3. IC 25-26-13-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.2. (a) This section does not apply if the superintendent of the state police department has submitted a report under IC 10-11-2-34, showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019. If this section applies, it applies only between July 1, 2020, and June 30, 2023.**

(b) The board may adopt an emergency rule in the manner provided under IC 4-22-2-37.1 to declare that a product is an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted under this subsection expires June 30, 2023.

(c) The board shall find that a product is an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine if the board determines that the product poses a significantly reduced risk of being used in the manufacture of methamphetamine.

(d) This section expires June 30, 2023.

SECTION 4. IC 35-31.5-2-61, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 61. "Constant video monitoring", for purposes of IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(1).~~ **IC 35-48-4-14.7.**

SECTION 5. IC 35-31.5-2-66, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 66. "Convenience package", for purposes of IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(2).~~ **IC 35-48-4-14.7.**

SECTION 6. IC 35-31.5-2-106.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 106.5. "Drug related felony", for purposes of IC 35-48-4-18, has the meaning set forth in IC 35-48-4-18.**

SECTION 7. IC 35-31.5-2-120, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 120. "Ephedrine", for purposes of



IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(3)~~.
IC 35-48-4-14.7.

SECTION 8. IC 35-48-2-10, AS AMENDED BY P.L.283-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The controlled substances listed in this section are included in schedule IV.

(b) Narcotic drugs. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1 milligram of difenoxin (9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha- (+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane (9278).

(c) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Alprazolam (2882).

Barbital (2145).

Bromazepam (2748).

Camazepam (2749).

Carisoprodol.

Chloral betaine (2460).

Chloral hydrate (2465).

Chlordiazepoxide (2744).

Clobazam (2751).

Clonazepam (2737).

Clorazepate (2768).

Clotiazepam (2752).

Cloxazolam (2753).

Delorazepam (2754).

Diazepam (2765).

Dichloralphenazone (2467).

Estazolam (2756).

Ethchlorvynol (2540).

Ethinamate (2545).

Ethyl loflazepate (2758).

Fludiazepam (2759).



Flunitrazepam (2763).
 Flurazepam (2767).
 Fospropofol.
 Halazepam (2762).
 Haloxazolam (2771).
 Ketazolam (2772).
 Loprazolam (2773).
 Lorazepam (2885).
 Lormetazepam (2774).
 Mebutamate (2800).
 Medazepam (2836).
 Meprobamate (2820).
 Methohexital (2264).
 Methylphenobarbital (mephobarbital) (2250).
 Midazolam (2884).
 Nimetazepam (2837).
 Nitrazepam (2834).
 Nordiazepam (2838).
 Oxazepam (2835).
 Oxazolam (2839).
 Paraldehyde (2585).
 Petrichloral (2591).
 Phenobarbital (2285).
 Pinazepam (2883).
 Prazepam (2764).
 Quazepam (2881).
 Temazepam (2925).
 Tetrazepam (2886).
 Triazolam (2887).
 Zaleplon (2781).
 Zolpidem (Ambien) (2783).
 Zopiclone (2784).

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

Fenfluramine (1670).

(e) Stimulants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system,



including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine ((+)-norpseudoephedrine) (1230).
 Diethylpropion (1610).
 Fencamfamin (1760).
 Fenproporex (1575).
 Mazindol (1605).
 Mefenorex (1580).
 Modafinil (1680).
 Phentermine (1640).
 Pemoline (including organometallic complexes and chelates thereof) (1530).
 Pipradrol (1750).
 Sibutramine (1675).
 SPA ((-)-1-dimethylamino-1,2-diphenylethane (1635).

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts:

Butorphanol (including its optical isomers) (9720).
 Pentazocine (9709).

(g) This subsection applies from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019. Except for a product that has been found by the Indiana board of pharmacy to be an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine under IC 25-26-13-4.2, a material, compound, mixture, or preparation that contains a quantity of any of the following substances, pure or adulterated:

- (1) Ephedrine.**
- (2) Pseudoephedrine.**

However, this subsection does not apply to a wholesale drug distributor licensed and regulated by the Indiana board of pharmacy and registered with the United States Drug Enforcement Administration, and exempts the distributor from storage, reporting, record keeping, or physical security control requirements for controlled substances containing ephedrine or pseudoephedrine.



(g) (h) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b), (c), (d), (e), or (f) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 9. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.



- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or
- (2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or



- (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (d) Subsection (b) does not apply to a:
- (1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or
 - (2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:
 - (A) the location in which the substance is stored;
 - (B) the possession of the substance in a variety of:
 - (i) strengths;
 - (ii) brands; or
 - (iii) types; or
 - (C) the possession of the substance:
 - (i) with different expiration dates; or
 - (ii) in forms used for different purposes.
- (e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a Level 6 felony.
- (f) An offense under subsection (e) is a Level 5 felony if the person possessed:
- (1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or
 - (2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.
- (h) This subsection does not apply to a drug containing ephedrine,



pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

- (1) has been convicted of:
 - (A) dealing in methamphetamine (IC 35-48-4-1.1);
 - (B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));
 - (C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));
 - (D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); ~~or~~
 - (E) unlawful sale of a precursor (subsection (g)); **or**
 - (F) another drug related felony (as defined in IC 35-48-4-18);** and
- (2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a Level 6 felony."

Page 2, line 18, after "(a)" insert "**This section does not apply from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019.**

(b)".

Page 2, line 28, strike "(g)." and insert "**(h)**".

Page 2, line 34, strike "(g)." and insert "**(h)**".

Page 2, line 35, strike "(b)" and insert "**(c)**".

Page 3, line 13, delete "(NPLEx)" and insert "(NPLEx)".

Page 3, strike lines 14 through 15.

Page 3, line 37, strike "(c)" and insert "**(d)**".

Page 3, line 39, strike "(f)," and insert "**(g)**".

Page 3, line 41, strike "(d)" and insert "**(e)**".

Page 5, line 7, delete "(NPLEx)" and insert "(NPLEx)".

Page 5, line 7, strike "administered by the".

Page 5, strike line 8.

Page 5, line 13, delete "methamphetamine" and insert "**drug**".

Page 5, line 13, delete "crime" and insert "**felony**".

Page 5, line 14, delete "to NADDI".

Page 5, line 27, strike "(e)" and insert "**(f)**".



- Page 5, line 38, strike "(f)" and insert "(g)".
- Page 5, line 40, strike "(d):" and insert "(e):".
- Page 6, line 9, strike "(g)" and insert "(h)".
- Page 6, line 11, strike "(h)" and insert "(i)".
- Page 6, line 21, strike "(i)" and insert "(j)".
- Page 6, line 23, strike "(j)" and insert "(k)".
- Page 6, line 27, strike "(k)" and insert "(l)".
- Page 6, line 36, strike "(l)" and insert "(m)".
- Page 7, line 1, strike "week, NADDI shall forward" and insert "day,".
- Page 7, line 2, delete "NPLeX," and insert "NPLeX".
- Page 7, line 2, strike "including data concerning a" and insert "**for the previous calendar day shall be forwarded**".
- Page 7, strike line 3.
- Page 7, line 4, strike "stop sale alert,".
- Page 7, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 10. IC 35-48-4-14.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14.8. (a) This section applies:
- (1) to a pharmacy or NPLeX retailer that, as of June 30, 2020, kept a written or electronic log required by IC 35-48-1-14.7; and**
 - (2) if IC 35-48-4-14.7 does not apply during the period from July 1, 2020, through June 30, 2023.**
- (b) Notwithstanding the inapplicability of section 14.7 of this chapter from July 1, 2020, through June 30, 2023, a pharmacy or NPLeX retailer described in subsection (a) shall:**
- (1) continue to maintain, through June 30, 2023, its electronic or written log as the log existed on June 30, 2020; and**
 - (2) provide access to the log to any law enforcement officer or the criminal justice institute.**
- (c) This section expires July 1, 2023."**
- Page 7, line 7, after "18." insert "**(a) This section does not apply from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019.**
- (b) As used in this section, "drug related felony" means a felony conviction for an offense described in:**
- (1) sections 1 through 11.5 of this chapter; or**
 - (2) sections 13 through 14.7 of this chapter.**



(c)".

Page 7, line 7, delete "For" and insert "**The court shall report**".

Page 7, line 7, delete "in which the sale, possession," and insert "**for a drug related felony**".

Page 7, delete line 8.

Page 7, line 9, delete "the court shall report the conviction".

Page 7, line 16, delete "A description of the methamphetamine related crime for" and insert "**The Indiana Code citation and associated cause number of the drug related felony of**".

Page 7, delete line 19 and insert "**drug related felony**".

SECTION 8. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

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

(Reference is to SB 536 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 1.

