

Alcohol offenses

Operating a Vehicle While Intoxicated

IC 9-30-5-1. Class C misdemeanor; defense

- (a) A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:
- (1) one hundred (100) milliliters of the person's blood; or
 - (2) two hundred ten (210) liters of the person's breath; commits a Class C misdemeanor.
- (b) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
- (1) one hundred (100) milliliters of the person's blood; or
 - (2) two hundred ten (210) liters of the person's breath; commits a Class A misdemeanor.
- (c) A person who operates a vehicle with a controlled substance listed in schedule I or II of [IC 35-48-2](#) or its metabolite in the person's blood commits a Class C misdemeanor.
- (d) It is a defense to subsection (c) that:
- (1) the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in [IC 35-48-1](#)) who acted in the course of the practitioner's professional practice; or
 - (2) the:
 - (A) controlled substance is marijuana or a metabolite of marijuana;
 - (B) person was not intoxicated;
 - (C) person did not cause a traffic accident; and
 - (D) substance was identified by means of a chemical test taken pursuant to [IC 9-30-7](#).

IC 9-30-5-2 Class A misdemeanor

- (a) Except as provided in subsection (b), a person who operates a vehicle while intoxicated commits a Class C misdemeanor.
- (b) An offense described in subsection (a) is a Class A misdemeanor if the person operates a vehicle in a manner that endangers a person.

IC 9-30-5-3 Penalties; prior offenses; passenger less than 18 years of age

- (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Level 6 felony if:
- (1) the person has a previous conviction of operating while intoxicated that occurred within the seven (7) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or
 - (2) the person:

- (A) is at least twenty-one (21) years of age;
 - (B) violates section 1(b), 1(c), or 2(b) of this chapter; and
 - (C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.
- (b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) commits a Level 5 felony if:
- (1) the person has a previous conviction of operating while intoxicated causing death or catastrophic injury ([IC 9-30-5-5](#)); or
 - (2) the person has a previous conviction of operating while intoxicated causing serious bodily injury ([IC 9-30-5-4](#)).

IC 9-30-5-4 Classification of offense; serious bodily injury

- (a) A person who causes serious bodily injury to another person when operating a vehicle:
- (1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
 - (A) one hundred (100) milliliters of the person's blood; or
 - (B) two hundred ten (210) liters of the person's breath;
 - (2) with a controlled substance listed in schedule I or II of [IC 35-48-2](#) or its metabolite in the person's blood; or
 - (3) while intoxicated;
- commits a Level 5 felony. However, the offense is a Level 4 felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense.
- (b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).
- (c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in [IC 35-48-1](#)) who acted in the course of the practitioner's professional practice.

IC 9-30-5-5 Penalties; death or catastrophic injury; death of a law enforcement animal

- (a) A person who causes the death or catastrophic injury of another person when operating a vehicle:
- (1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:
 - (A) one hundred (100) milliliters of the person's blood; or
 - (B) two hundred ten (210) liters of the person's breath;
 - (2) with a controlled substance listed in schedule I or II of [IC 35-48-2](#) or its metabolite in the person's blood; or
 - (3) while intoxicated;
- commits a Level 4 felony.
- (b) A person who causes the death of a law enforcement animal (as defined in [IC 35-46-3-4.5](#)) when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of [IC 35-48-2](#) or its metabolite in the person's blood;

commits a Level 6 felony.

- (c) A person who commits an offense under subsection (a) or (b) commits a separate offense for each person or law enforcement animal whose death (or catastrophic injury, in the case of a person) is caused by the violation of subsection (a) or (b).
- (d) It is a defense under subsection (a) or (b) that the person accused of causing the death or catastrophic injury of another person or the death of a law enforcement animal when operating a vehicle with a controlled substance listed in schedule I or II of [IC 35-48-2](#) or its metabolite in the person's blood consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in [IC 35-48-1](#)) who acted in the course of the practitioner's professional practice.

IC 9-30-5-6 Class C infraction; violation of probationary license

(a) A person who operates a vehicle in violation of any term of a probationary license issued under this chapter, [IC 9-30-6](#), or [IC 9-30-9](#) commits a Class C infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges for a period of not more than one (1) year.

IC 9-30-5-7 Ignition interlock device offenses; violation of court order

(a) Except as provided in subsection (b), a person who knowingly assists another person who is restricted to the use of an ignition interlock device to violate a court order issued under this chapter commits a Class A misdemeanor.

(b) Subsection (a) does not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device:

(1) is done for the purpose of safety or mechanical repair of the device or the vehicle; and

(2) the restricted person does not operate the vehicle.

(c) A person who, except in an emergency, knowingly rents, leases, or loans a motor vehicle that is not equipped with a functioning ignition interlock device to a person who is restricted under a court order to the use of a vehicle with an ignition interlock device commits a Class A infraction.

(d) A person who is subject to an ignition interlock device restriction and drives another vehicle in an emergency situation must notify the court of the emergency within twenty-four (24) hours

IC 9-30-5-8 Ignition interlock device offenses; tampering

(a) A person who knowingly or intentionally tampers with an ignition interlock device for the purpose of:

(1) circumventing the ignition interlock device; or
(2) rendering the ignition interlock device inaccurate or inoperative;
commits a Class B misdemeanor.

(b) A person who solicits another person to:

(1) blow into an ignition interlock device; or

(2) start a motor vehicle equipped with an ignition interlock device;

for the purpose of providing an operable vehicle to a person who is restricted to driving a vehicle with the ignition interlock device commits a Class C infraction

IC 9-30-5-8.5 Class C infraction; person less than 21 years of age driving under the influence

(a) A person who:

(1) is less than twenty-one (21) years of age; and

(2) operates a vehicle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram but less than eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

commits a Class C infraction.

(b) In addition to the penalty imposed under this section, the court may recommend the suspension of the driving privileges of the operator of the vehicle for not more than one (1) year.

IC 9-30-5-9 Operation of vehicle in place other than public highway

It is not a defense in an action under this chapter that the accused person was operating a vehicle in a place other than on a highway.

IC 9-30-5-15 Imprisonment; community restitution or service; alcohol or drug abuse treatment

(a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least five (5) days; or

(B) the person to perform at least two hundred forty (240) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has one (1) previous conviction of operating while intoxicated.

(b) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least ten (10) days; or

(B) the person to perform at least four hundred eighty (480) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

- (c) Notwithstanding [IC 35-50-2-2.2](#) and [IC 35-50-3-1](#), a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:
- (1) at least forty-eight (48) hours of the sentence must be served consecutively; and
 - (2) the entire sentence must be served within six (6) months after the date of sentencing.
- (d) Notwithstanding [IC 35-50-6](#), a person does not earn good time credit (as defined in [IC 35-50-6-0.5](#)) while serving a sentence imposed under this section.

IC 9-30-5-16 Specialized driving privileges; ignition interlock device; violation

(a) Except as provided in subsection (b), the court may, in granting specialized driving privileges under [IC 9-30-16-3](#) or [IC 9-30-16-4](#), also order that the specialized driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under [IC 9-30-8](#).

- (b) A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:
- (1) Has been convicted of violating section 1 or 2 of this chapter.
 - (2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.
 - (3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle.
- (c) A person who knowingly or intentionally violates a court order issued under this section commits a Class A misdemeanor.

IC 9-30-5-17 Restitution to emergency medical services restitution fund

- (a) In addition to:
- (1) a sentence imposed under this chapter for a felony or misdemeanor; and
 - (2) an order for restitution to a victim;
- the court shall, without placing the individual on probation, or as a condition of probation, order the individual to make restitution to the emergency medical services restitution fund under [IC 16-31-8](#) for emergency medical services necessitated because of the offense committed by the individual.
- (b) An order for restitution under this section may not be for more than one thousand dollars (\$1,000).
- (c) In making an order for restitution under this section, the court shall consider the following:
- (1) The schedule of costs submitted to the court under [IC 16-31-8-5](#).

- (2) The amount of restitution that the individual is or will be able to pay.
- (d) The court shall immediately forward a copy of an order for restitution made under this section to the Indiana emergency medical services commission under [IC 16-31-8](#).

IC 9-30-6-1 Chemical test for intoxication; implied consent

A person who operates a vehicle impliedly consents to submit to the chemical test provisions of this chapter as a condition of operating a vehicle in Indiana.

IC 9-30-6-7 Refusal to submit to chemical tests or test results in prima facie evidence of intoxication; duties of arresting officer

(a) If a person refuses to submit to a chemical test, the arresting officer shall inform the person that refusal will result in the suspension of the person's driving privileges.

(b) If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall do the following:

(1) Obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter held under [IC 35-33-7-1](#).

(2) Submit a probable cause affidavit to the prosecuting attorney of the county in which the alleged offense occurred.

Public Intoxication

IC 7.1-5-1-3 Public intoxication prohibited; failure to enforce by a law enforcement officer

(a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in [IC 35-48-1-9](#)), if the person:

- (1) endangers the person's life;
- (2) endangers the life of another person;
- (3) breaches the peace or is in imminent danger of breaching the peace; or
- (4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

Alcohol Offenses Related to Minors

IC 7.1-5-7-1 False statements of age

It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

IC 7.1-5-7-2 Furnishing false evidence of identification

It is a Class C misdemeanor for a person to sell, give, or furnish to a minor false or fraudulent evidence of majority or identity with the intent to violate or assist in the violation of a provision of this title.

IC 7.1-5-7-3 Possession of false identity

It is a Class C infraction for a minor to have in his possession false or fraudulent evidence of majority or identity with the intent to violate a provision of this title.

IC 7.1-5-7-7 Illegal possession

(a) Subject to [IC 7.1-5-1-6.5](#), it is a Class C misdemeanor for a minor to knowingly:

- (1) possess an alcoholic beverage;
- (2) consume an alcoholic beverage; or
- (3) transport an alcoholic beverage on a public highway when not accompanied by at least one (1) of the minor's parents or guardians.

(b) If a minor is found to have violated subsection (a)(2) or (a)(3) while operating a vehicle, the court may order the minor's driving privileges suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driving privileges suspended for at least sixty (60) days.

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

IC 7.1-5-7-8 Sale to minors prohibited; furnishing property for the purpose of enabling minors to consume alcohol prohibited

(a) It is a Class B misdemeanor for a person to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

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

- (1) a Class A misdemeanor if the person has a prior unrelated conviction under this section; and
- (2) a Level 6 felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person.

(c) A person who knowingly or intentionally:

- (1) rents property; or
- (2) provides or arranges for the use of property;

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

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

(1) sells, barter, exchanges, provides, or furnishes an alcoholic beverage to a minor; or
(2) either:

(A) rents property; or

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

for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property.

IC 7.1-5-7-10 Minors in taverns prohibited

(a) It is a Class C infraction for a minor to knowingly or intentionally be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

IC 35-46-1-8 Contributing to the delinquency of a minor

(a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a child to commit an act of delinquency (as defined by [IC 31-37-1](#) or [IC 31-37-2](#)) commits contributing to delinquency, a Class A misdemeanor, except as provided in subsections (b) through (e).

(b) If the delinquent act described in subsection (a) would be a felony if committed by an adult, the offense described in subsection (a) is a felony of the same level as the delinquent act would be if committed by an adult.

(c) The offense described in subsection (a) is a Level 5 felony if:

(1) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

(A) an alcoholic beverage to a child in violation of [IC 7.1-5-7-8](#) when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was a child; or

(B) a controlled substance (as defined in [IC 35-48-1-9](#)) or a drug (as defined in [IC 9-13-2-49.1](#)) in violation of Indiana law; and

(2) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person.

(d) Except as provided in subsection (c), the offense described in subsection (a) is a Level 6 felony if:

(1) the person committing the offense is at least twenty-one (21) years of age;

(2) the child who commits the delinquent act is less than sixteen (16) years of age; and

(3) the act would be a misdemeanor if committed by an adult.

(e) If the person who commits the offense described in subsection (a) is at least twenty-one (21) years of age, and the child who commits the delinquent act is less than sixteen (16) years of age, the offense is:

(1) a Level 5 felony if the delinquent act would be a Level 6 felony if committed by an adult;

(2) a Level 4 felony if the delinquent act would be a Level 5 felony if committed by an adult;

(3) a Level 3 felony if the delinquent act would be a Level 4 felony if committed by an adult;

(4) a Level 2 felony if the delinquent act would be a Level 3 felony if committed by an adult;

(5) a Level 1 felony if the delinquent act would be a Level 1 or 2 felony if committed by an adult; or

(6) punishable under [IC 35-50-2-3\(a\)](#) (penalty for murder) if the delinquent act would be murder if committed by an adult.

Drug offenses

Drugs: Indiana Legend Drug Act

IC 16-42-19-11 Sale of legend drug unlawful; conditions; exceptions

(a) Except as provided in section 21 of this chapter, a person may not sell a legend drug unless either of the following conditions exist:

(1) Except as provided in subsection (b), the legend drug is dispensed by a pharmacist upon an original prescription or drug order with the drug product specified on the prescription or drug order or by the authorization of the practitioner and there is affixed to the immediate container in which the drug is delivered a label bearing the following:

(A) The name, address, and phone number of the establishment from which the drug was dispensed.

(B) The date on which the prescription for the drug was filled.

(C) The number of the prescription as filed in the prescription files of the pharmacist who filled the prescription.

(D) The name of the practitioner who prescribed the drug.

(E) The name of the patient, or if the drug was prescribed for an animal, a statement of the species of the animal.

(F) The directions for the use of the drug as contained in the prescription.

(G) If the drug contains or is derived from opium, a statement that the drug is an opioid.

(2) The legend drug is delivered by the practitioner in good faith in the course of practice and the immediate container in which the drug is delivered bears a label on which appears the following:

- (A) The directions for use of the drug.
 - (B) The name and address of the practitioner.
 - (C) The name of the patient.
 - (D) If the drug is prescribed for an animal, a statement of the species of the animal.
- This section does not prohibit a practitioner from delivering professional samples of legend drugs in their original containers in the course of the practitioner's practice when oral directions for use are given at the time of delivery.

(b) Notwithstanding subsection (a)(1), the following apply:

- (1) A pharmacist at a hospital licensed under [IC 16-21](#) may fill a drug order for a legend drug with a drug product allowed under the hospital's policies and procedures for the use, selection, and procurement of drugs.
- (2) A pharmacist who fills a prescription for a legend drug must comply with [IC 16-42-22](#) and [IC 25-26-16](#).

IC 16-42-19-12 Refilling prescription or drug order

Except as authorized under [IC 25-26-13-25\(d\)](#), a person may not refill a prescription or drug order for a legend drug except in the manner designated on the prescription or drug order or by the authorization of the practitioner.

IC 16-42-19-13 Possession or use of legend drug or precursor

A person may not possess or use a legend drug or a precursor unless the person obtains the drug:

- (1) on the prescription or drug order of a practitioner;
- (2) in accordance with section 11(a)(2) or 21 of this chapter; or
- (3) in accordance with rules adopted by the board of pharmacy under [IC 25-26-23](#).

IC 16-42-19-17 Legend drug smoking devices

A person may not possess or have under the person's control with intent to violate this chapter an instrument or contrivance designed or generally used in smoking a legend drug.

IC 16-42-19-18 Legend drug injection devices; violation

(a) A person may not possess with intent to:

- (1) violate this chapter; or
- (2) commit an offense described in [IC 35-48-4](#):
a hypodermic syringe or needle or an instrument adapted for the use of a controlled substance or legend drug by injection in a human being.

(b) A person who violates subsection (a) commits a Level 6 felony.

IC 16-42-19-19 Anabolic steroids

Except as provided in section 21 of this chapter, a person may not possess or use an anabolic steroid without a valid prescription or drug order issued by a practitioner acting in the usual course of the practitioner's professional practice.

IC 16-42-19-20 Validity of prescriptions or drug orders

- (a) Except as provided in section 30 of this chapter, a prescription or drug order for a legend drug is not valid unless the prescription or drug order is issued for a legitimate medical purpose by a practitioner acting in the usual course of the practitioner's business.
- (b) A practitioner may not knowingly issue an invalid prescription or drug order for a legend drug.
- (c) A pharmacist may not knowingly fill an invalid prescription or drug order for a legend drug.

IC 16-42-19-21 Authorized sale or possession

Sections 11, 13, 19, and 25(b) of this chapter are not applicable to the following:

- (1) The sale of legend drugs to persons included in any of the classes named in subdivision (2), or to the agents or employees of such persons for use in the usual course of their business or practice or in the performance of their official duties.
- (2) Possession of legend drugs by the following persons or their agents or employees for such use:
 - (A) Pharmacists.
 - (B) Practitioners.
 - (C) Persons who procure legend drugs for handling by or under the supervision of pharmacists or practitioners employed by them or for the purpose of lawful research, teaching, or testing and not for resale.
 - (D) Hospitals and other institutions that procure legend drugs for lawful administration by practitioners.
 - (E) Manufacturers and wholesalers.
 - (F) Carriers and warehousemen.

IC 16-42-19-23 Mechanical device for storage or dispensing of drugs; restrictions; inspection of premises

- (a) As used in this section, "mechanical device" means a machine for storage and dispensing of drugs. The term does not include devices or instruments used by practitioners in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals.
- (b) A person may not maintain, operate, or use any type of mechanical device in which any legend drug or narcotic drug is stored or held for the purpose of dispensing the drug from the mechanical device. However, the mechanical device may be used for the storage and dispensing of legend drugs if:
 - (1) the mechanical device is used in a:
 - (A) pharmacy that holds a permit issued by the Indiana board of pharmacy;
 - (B) remote location under the jurisdiction of the board of pharmacy; or
 - (C) health care facility that is licensed under [IC 16-28](#) or [IC 16-21-2](#); and
 - (2) the mechanical device is operated under the direct supervision and control of a:
 - (A) registered pharmacist; or
 - (B) practitioner;who is directly responsible for dispensing the drug from the mechanical device.
- (c) Inspectors of the Indiana board of pharmacy may inspect the premises of any person suspected of violating this section.

C 16-42-19-25 Anabolic steroids; unlawful acts

- (a) A practitioner may not prescribe, order, distribute, supply, or sell an anabolic steroid for any of the following:
 - (1) Enhancing performance in an exercise, sport, or game.
 - (2) Hormonal manipulation intended to increase muscle mass, strength, or weight without a medical necessity.
- (b) Except as provided in section 21 of this chapter, a person who is not a practitioner or lawful manufacturer of anabolic steroids may not do any of the following:
 - (1) Knowingly or intentionally manufacture or deliver an anabolic steroid, pure or adulterated.
 - (2) Possess, with intent to manufacture or deliver, an anabolic steroid.

Offenses Relating to Controlled Substances

IC 35-48-4-1 Dealing in cocaine or narcotic drug

- (a) A person who:
 - (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or
 - (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through (e).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
 - (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
 - (2) the amount of the drug involved is at least twenty-eight (28) grams.
- (c) The offense is a Level 4 felony if:
 - (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams;
 - (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies; or
 - (3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams.

- (d) The offense is a Level 3 felony if:
- (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams;
 - (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies;
 - (3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; or
 - (4) the drug is heroin and:
 - (A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; and
 - (B) an enhancing circumstance applies.
- (e) The offense is a Level 2 felony if:
- (1) the amount of the drug involved is at least ten (10) grams;
 - (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;
 - (3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least twelve (12) grams; or
 - (4) the drug is heroin and:
 - (A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; and
 - (B) an enhancing circumstance applies.

IC 35-48-4-1.1 Dealing in methamphetamine

- (a) A person who:
- (1) knowingly or intentionally:
 - (A) delivers; or
 - (B) finances the delivery of; methamphetamine, pure or adulterated; or
 - (2) possesses, with intent to:
 - (A) deliver; or
 - (B) finance the delivery of; methamphetamine, pure or adulterated;commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through (e).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
- (1) there is evidence in addition to the weight of the drug that the person intended to deliver or finance the delivery of the drug; or
 - (2) the amount of the drug involved is at least twenty-eight (28) grams.
- (c) The offense is a Level 4 felony if:
- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
 - (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

- (d) The offense is a Level 3 felony if:
 - (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
 - (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.
- (e) The offense is a Level 2 felony if:
 - (1) the amount of the drug involved is at least ten (10) grams; or
 - (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

IC 35-48-4-1.2 Manufacturing methamphetamine

- (a) A person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a Level 4 felony, except as provided in subsections (b) and (c).
- (b) The offense is a Level 3 felony if:
 - (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
 - (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.
- (c) The offense is a Level 2 felony if:
 - (1) the amount of the drug involved is at least ten (10) grams;
 - (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;
 - (3) the manufacture of the drug results in serious bodily injury to a person other than the manufacturer; or
 - (4) the manufacture of the drug results in the death of a person other than the manufacturer.

IC 35-48-4-2 Dealing in a schedule I, II, or III controlled substance or controlled substance analog

- (a) A person who:
 - (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;a controlled substance or controlled substance analog, pure or adulterated, classified in schedule I, except marijuana, hash oil, hashish, or salvia, or a controlled substance, or controlled substance analog, pure or adulterated, classified in schedule II or III; or
 - (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

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

commits dealing in a schedule I, II, or III controlled substance, a Level 6 felony, except as provided in subsections (b) through (f).

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

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

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-4 Dealing in a schedule V controlled substance or controlled substance analog

(a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance or controlled substance analog, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

- (C) deliver; or
- (D) finance the delivery of;
a controlled substance or controlled substance analog, pure or adulterated,
classified in schedule V;
commits dealing in a schedule V controlled substance, a Class B misdemeanor,
except as provided in subsections (b) through (f).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
 - (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
 - (2) the amount of the drug involved is at least twenty-eight (28) grams.
- (c) The offense is a Class A misdemeanor if:
 - (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
 - (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.
- (d) The offense is a Level 6 felony if:
 - (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
 - (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.
- (e) The offense is a Level 5 felony if:
 - (1) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.
- (f) The offense is a Level 4 felony if:
 - (1) the amount of the drug involved is at least twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-4.1 Dumping controlled substance waste

- (a) A person who dumps, discharges, discards, transports, or otherwise disposes of:
 - (1) chemicals, knowing the chemicals were used in the illegal manufacture of a controlled substance or an immediate precursor; or
 - (2) waste, knowing that the waste was produced from the illegal manufacture of a controlled substance or an immediate precursor;commits dumping controlled substance waste, a Level 6 felony.
- (b) It is not a defense in a prosecution under subsection (a) that the person did not manufacture the controlled substance or immediate precursor.

IC 35-48-4-4.6 Unlawful delivery, manufacture, distribution, or possession of a substance represented to be a controlled substance; factors

- (a) A person who knowingly or intentionally:

- (1) delivers;
- (2) finances the delivery of;
- (3) manufactures;
- (4) finances the manufacture of;
- (5) advertises;
- (6) distributes; or
- (7) possesses with intent to deliver, finance the delivery of, manufacture, finance the manufacture of, advertise, or distribute;

a substance represented to be a controlled substance commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction under this chapter.

- (b) A person may be convicted of an offense under subsection (a)(7) only if:
- (1) there is evidence in addition to the weight of the substance that the person intended to deliver, finance the delivery of, manufacture, finance the manufacture of, advertise, or distribute the substance; or
 - (2) the amount of the substance involved is at least twenty-eight (28) grams.
- (c) A person who knowingly or intentionally possesses a substance represented to be a controlled substance commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this chapter.
- (d) In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.
- (e) This section does not apply to the following:
- (1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.
 - (2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.
 - (3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.
- (f) For purposes of this section, a substance represented to be a controlled substance includes any substance, other than a controlled substance or a drug for which a prescription is required under federal or state law, that:
- (1) is expressly or impliedly represented to be a controlled substance;
 - (2) is distributed under circumstances that would lead a reasonable person to believe that the substance is a controlled substance; or
 - (3) by overall dosage unit appearance, including shape, color, size, markings or lack of markings, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe the substance is a controlled substance.
- (g) In determining whether the representations described in subsection (f)(1) have been made, or whether the circumstances of distribution exist as described in subsection (f)(2), the trier of fact may consider the following:
- (1) The overall appearance of a dosage unit of the substance, including its shape, color, size, markings or lack of markings, taste, consistency, and any other identifying physical characteristics.

- (2) How the substance is packaged for sale or distribution, including the shape, color, size, markings or lack of markings, and any other identifying physical characteristics of the packaging.
- (3) Any statement made by the owner or person in control of the substance concerning the substance's nature, use, or effect.
- (4) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance is a controlled substance.
- (5) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance may be resold for profit.
- (6) The overall circumstances under which the substance is distributed, including whether:
 - (A) the distribution included an exchange of, or demand for, money or other property as consideration; and
 - (B) the amount of the consideration was substantially greater than the reasonable retail market value of the substance.
- (7) Any other relevant factors.

IC 35-48-4-5 Dealing in a counterfeit substance

A person who:

- (1) knowingly or intentionally:
 - (A) creates;
 - (B) delivers; or
 - (C) finances the delivery of;
a counterfeit substance; or
- (2) possesses, with intent to:
 - (A) deliver; or
 - (B) finance the delivery of;
a counterfeit substance;

commits dealing in a counterfeit substance, a Level 6 felony. However, a person may be convicted of an offense under subdivision (2) only if there is evidence in addition to the weight of the counterfeit substance that the person intended to deliver or finance the delivery of the counterfeit substance.

IC 35-48-4-6 Possession of cocaine or narcotic drug

- (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Level 6 felony, except as provided in subsections (b) through (d).
- (b) The offense is a Level 5 felony if:
 - (1) the amount of the drug involved is at least five (5) but less than ten (10) grams;
or
 - (2) the amount of the drug involved is less than five (5) grams and an enhancing circumstance applies.
- (c) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-7 Possession of a controlled substance or controlled substance analog; obtaining a schedule V controlled substance

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

- (1) controlled substance or controlled substance analog (pure or adulterated), classified in schedule I, except marijuana, hashish, or salvia; or
- (2) controlled substance or controlled substance analog (pure or adulterated), classified in schedule II, III, or IV;

commits possession of a controlled substance, a Class A misdemeanor, except as provided in subsection (b).

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

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

- (1) more than four (4) ounces of schedule V controlled substances containing codeine in any given forty-eight (48) hour period unless pursuant to a prescription;
- (2) a schedule V controlled substance pursuant to written or verbal misrepresentation; or

(3) possession of a schedule V controlled substance other than by means of a prescription or by means of signing an exempt narcotic register maintained by a pharmacy licensed by the Indiana state board of pharmacy;

commits a Class A misdemeanor.

IC 35-48-4-8.1 Manufacture of paraphernalia

(a) A person who manufactures, finances the manufacture of, or designs an instrument, a device, or other object that is intended to be used primarily for:

- (1) introducing into the human body a controlled substance;
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

in violation of this chapter commits a Class A infraction for manufacturing paraphernalia.

(b) A person who:

- (1) knowingly or intentionally violates this section; and
- (2) has a previous judgment for violation of this section;

commits manufacture of paraphernalia, a Level 6 felony.

IC 35-48-4-8.3 Possession of paraphernalia

- (a) This section does not apply to a rolling paper.
- (b) A person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for:
 - (1) introducing into the person's body a controlled substance;
 - (2) testing the strength, effectiveness, or purity of a controlled substance; or
 - (3) enhancing the effect of a controlled substance;commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment or conviction under this section.

IC 35-48-4-8.5 Dealing in paraphernalia

- (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:
 - (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
 - (2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
 - (3) enhancing the effect of a controlled substance;
 - (4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
 - (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance by individuals; or
 - (6) any purpose announced or described by the seller that is in violation of this chapter;commits a Class A infraction for dealing in paraphernalia.
- (b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated judgment or conviction under this section.
- (c) This section does not apply to the following:
 - (1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
 - (2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.
 - (3) A qualified entity (as defined in [IC 16-41-7.5-3](#)) that provides a syringe or needle as part of a program under [IC 16-41-7.5](#).
 - (4) Any entity or person that provides funding to a qualified entity (as defined in [IC 16-41-7.5-3](#)) to operate a program described in [IC 16-41-7.5](#).

IC 35-48-4-10 Dealing in marijuana, hash oil, hashish, or salvia

- (a) A person who:
 - (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
 - marijuana, hash oil, hashish, or salvia, pure or adulterated;
 - (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 - marijuana, hash oil, hashish, or salvia, pure or adulterated;
 - commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
 - (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
 - (2) the amount of the drug involved is at least:
 - (A) ten (10) pounds, if the drug is marijuana; or
 - (B) three hundred (300) grams, if the drug is hash oil, hashish, or salvia.
- (c) The offense is a Level 6 felony if:
 - (1) the person has a prior conviction for a drug offense and the amount of the drug involved is:
 - (A) less than thirty (30) grams of marijuana; or
 - (B) less than five (5) grams of hash oil, hashish, or salvia; or
 - (2) the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.
- (d) The offense is a Level 5 felony if:
 - (1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia;
 - (2) the:
 - (A) amount of the drug involved is:
 - (i) at least ten (10) pounds of marijuana; or
 - (ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or
 - (B) offense involved a sale to a minor; or
 - (3) the:
 - (A) person is a retailer;

- (B) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
- (C) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.

IC 35-48-4-10.1 Dealing in smokable hemp; exception for transit through state

- (a) A person who:
 - (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers;
 - (D) finances the delivery of; or
 - (E) possesses;smokable hemp; or
 - (2) possesses smokable hemp with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;smokable hemp;commits dealing in smokable hemp, a Class A misdemeanor.
- (b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not apply to:
 - (1) a financial institution organized or reorganized under the laws of Indiana, any other state, or the United States; or
 - (2) any agency or instrumentality of the state or the United States.
- (c) Subsection (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(2)(C), and (a)(2)(D) do not apply to the shipment of smokable hemp from a licensed producer in another state in continuous transit through Indiana to a licensed handler in any state.

IC 35-48-4-11 Possession of marijuana, hash oil, hashish, or salvia

- (a) A person who:
 - (1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;
 - (2) knowingly or intentionally grows or cultivates marijuana; or
 - (3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).
- (b) The offense described in subsection (a) is a Class A misdemeanor if:
 - (1) the person has a prior conviction for a drug offense; or
 - (2) the:
 - (A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
 - (B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.
- (c) The offense described in subsection (a) is a Level 6 felony if:

- (1) the person has a prior conviction for a drug offense; and
- (2) the person possesses:
 - (A) at least thirty (30) grams of marijuana; or
 - (B) at least five (5) grams of hash oil, hashish, or salvia.

IC 35-48-4-14.5 Possession or sale of drug precursors

- (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) Hypo phosphorous 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 drug related felony (as defined in [IC 35-48-1-16.3](#)); 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 drug offender, a Level 6 felony.

IC 35-45-1-5 Visiting a common nuisance; maintaining a common nuisance

- (a) As used in this section, "common nuisance" means a building, structure, vehicle, or other place that is used for (1) or more of the following purposes:
(1) To buy an alcoholic beverage in violation of [IC 7.1-5-10-5](#).
(2) To unlawfully use, keep, or sell a legend drug.
(3) To unlawfully:
(A) use;
(B) manufacture;
(C) keep;
(D) offer for sale;
(E) sell;
(F) deliver; or
(G) finance the delivery of;
a controlled substance or an item of drug paraphernalia (as described in [IC 35-48-4-8.5](#)).
(4) To provide a location for a person to pay, offer to pay, or agree to pay money or other property to another person for a human trafficking victim or an act performed by a human trafficking victim.
(5) To provide a location for a person to commit a violation of [IC 35-42-3.5-1](#) through [IC 35-42-3.5-1.4](#) (human trafficking).
- (b) A person who knowingly or intentionally visits a common nuisance described in subsections (a)(1) through (a)(4) commits visiting a common nuisance. The offense is a:

(1) Class B misdemeanor if the common nuisance is used for the unlawful:
(A) sale of an alcoholic beverage as set forth in subsection (a)(1);
(B) use, keeping, or sale of a legend drug as set forth in subsection (a)(2); or
(C) use, manufacture, keeping, offer for sale, sale, delivery, or financing the delivery of a controlled substance or item of drug paraphernalia (as described in [IC 35-48-4-8.5](#)), as set forth in subsection (a)(3);

(2) Class A misdemeanor if:

(A) the common nuisance is used as a location for a person to pay, offer to pay, or agree to pay for a human trafficking victim or an act performed by a human trafficking victim as set forth in subsection (a)(4); or
(B) the person knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in [IC 12-10-3-2](#)) into a common nuisance used to unlawfully:

(i) use;

(ii) manufacture;

(iii) keep;

(iv) offer for sale;

(v) sell;

(vi) deliver; or

(vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

(3) Level 6 felony if the person:

(A) knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in [IC 12-10-3-2](#)) into a common nuisance used to unlawfully:

(i) use;

(ii) manufacture;

(iii) keep;

(iv) offer for sale;

(v) sell;

(vi) deliver; or

(vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

(B) has a prior unrelated conviction for a violation of this section involving a controlled substance or drug paraphernalia.

(c) A person who knowingly or intentionally maintains a common nuisance commits maintaining a common nuisance, a Level 6 felony.

(d) It is a defense to a prosecution under subsection (c) that:

(1) the offense involves only the unlawful use or keeping of:

(A) less than:

(i) thirty (30) grams of marijuana; or

(ii) five (5) grams of hash oil, hashish, or salvia; or

(B) an item of drug paraphernalia (as described in [IC 35-48-4-8.5](#)) that is designed for use with, or intended to be used for, marijuana, hash oil, hashish, or salvia; and

(2) the person does not have a prior unrelated conviction for a violation of subsection (c).

Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual</p> <p>Second Offense: Not less than 10 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs., and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40 - 399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100 - 999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5 - 49 grams pure or 50 - 499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10 - 99 grams pure or 100 - 999 grams mixture		100 grams or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs., or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	1 gram or more			
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<p>First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>		
All Schedule V drugs	Any amount			
		<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 st OFFENSE	2 nd OFFENSE
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 years, or more than life. If death or serious bodily injury, not less than 20 years, or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 years, or more than. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 years, or more than 40 years If death or serious bodily injury, not less than 20 years, or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 years, not more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 years. If death or serious bodily injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants: 1 to 49 marijuana plants;	Not less than 5 years. Fine not more than \$250,000, \$1 million other than individual	Not less than 10 years. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

Source: <http://www.usdoj.gov/dea/agency/penalties.htm>