

# Indiana Criminal Code

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## 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 body commits a Class C misdemeanor.
- (d) It is a defense to subsection (c) that the accused person consumed the controlled substance under 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 9-30-5-2

- (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

- (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 five (5) 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) 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 (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**

- (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 body; or
  - (3) while intoxicated;
- commits a Level 6 felony. However, the offense is a Level 5 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 under 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**

- (a) A person who causes the death 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 5 felony, except as provided in subsection (b).
- (b) A person who causes the death of another person when operating a vehicle under the conditions set forth in subsection (a)(1), (a)(2), or (a)(3) commits a Level 4 felony if:
- (1) the person operating the vehicle has a previous conviction of operating while intoxicated within the ten (10) years preceding the commission of the offense;
  - (2) the person operating the vehicle knows that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated; or
  - (3) the driving privileges of the person operating the vehicle are suspended under IC 9-30-10 because the person is a habitual violator.
- (c) A person at least twenty-one (21) years of age who causes the death of another person when operating a vehicle:
- (1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) 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 4 felony.
- (d) 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;
- (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.
- (e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), (c), or (d).
- (f) It is a defense under subsection (a), (b), (c), or (d) that the person accused of causing the death of another person or 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 9-30-5-8.5**

- (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.

### **Public Intoxication**

#### **IC 7.1-5-1-3**

- (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**

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**

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**

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**

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.

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.

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**

- (a) It is a Class B misdemeanor for a person to:
  - (1) recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor; or
  - (2) knowingly or intentionally:
    - (A) rent property; or
    - (B) provide or arrange for the use of property; for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property.
- (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) 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**

- (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**

- (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

- (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.
  - (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**

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**

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(2) or 21 of this chapter; or  
(3) in accordance with rules adopted by the board of pharmacy under IC 25-26-23.

**Offenses Relating to Controlled Substances**

**IC 35-48-4-1**

- (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**

- (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**

- (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**

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, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug; or
  - (2) possesses, with intent to:
    - (A) manufacture;
    - (B) finance the manufacture of;
    - (C) deliver; or
    - (D) finance the delivery of; a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug; 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) 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) 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.
- (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) but less than twenty-eight (28) grams and an enhancing circumstance applies.

**IC 35-48-4-3**

- (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, pure or adulterated, classified in schedule IV; or
  - (2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV; commits dealing in a schedule IV controlled substance, a Class A 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 or deliver the controlled substance; or
  - (2) the amount of the drug involved is at least twenty-eight (28) grams.
- (c) The offense is a Level 6 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 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 at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.
- (e) 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.
- (f) 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 35-48-4-4**

- (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, 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, 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) 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) 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.
- (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) but less than twenty-eight (28) grams and an enhancing circumstance applies.

#### **IC 35-48-4-4.5**

- (a) A person who knowingly or intentionally delivers or finances the delivery of 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; commits dealing in a substance represented to be a controlled substance, a Level 6 felony.
- (b) In determining whether representations have been made, subject to subsection (a)(1), or whether circumstances of distribution exist, subject to subsection (a)(2), the trier of fact may consider, in addition to other relevant factors, the following:
- (1) Statements made by the owner or other person in control of the substance, concerning the substance's nature, use, or effect.
  - (2) Statements made by any person, to the buyer or recipient of the substance, that the substance may be resold for profit.
  - (3) Whether the substance is packaged in a manner uniquely used for the illegal distribution of controlled substances.
  - (4) 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.

#### **IC 35-48-4-4.6**

- (a) A person who knowingly or intentionally:
  - (1) manufactures;
  - (2) finances the manufacture of;
  - (3) advertises;
  - (4) distributes; or
  - (5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute; a substance described in section 4.5 of this chapter commits a Level 5 felony.
- (b) A person may be convicted of an offense under subsection (a)(5) only if:
  - (1) there is evidence in addition to the weight of the substance that the person intended to 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 described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.
- (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.

#### **IC 35-48-4-5**

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**

- (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 35-48-4-6.1**

- (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 methamphetamine (pure or adulterated) commits possession of methamphetamine, 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**

- (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 controlled substance (pure or adulterated) classified in schedule I, II, III, or IV, except marijuana,

hashish, salvia, or a synthetic cannabinoid, 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**

- (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**

- (a) This section does not apply to a rolling paper.
- (b) A person who knowingly or intentionally possesses an instrument, a device, or other 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**

- (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, excluding the lawful possession of a substance containing cannabidiol under IC 35-48-4-11.
  - (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**

- (a) A person who:
  - (1) knowingly or intentionally:
    - (A) manufactures;
    - (B) finances the manufacture of;
    - (C) delivers; or
    - (C) finances the delivery of; marijuana, hash oil, hashish, or salvia, pure or adulterated;or
  - (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; or
  - (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.

**IC 35-48-4-10.5**

- (a) A person who:
  - (1) manufactures;
  - (2) finances the manufacture of;
  - (3) delivers;
  - (4) finances the delivery of;
  - (5) possesses, with intent to deliver; or
  - (6) possesses, with intent to finance the delivery of; a synthetic drug or a synthetic drug lookalike substance commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A infraction. However, the offense is a Level 6 felony if the offense is committed knowingly or intentionally and the person has a prior unrelated judgment or conviction under this subsection.
- (b) A person may be adjudicated or convicted of an infraction or offense under subsection (a)(5) or (a)(6) only if there is evidence in addition to the weight of the synthetic drug or synthetic drug lookalike substance that the person intended to deliver or finance the delivery of the synthetic drug or synthetic drug lookalike substance.
- (c) A person who:
  - (1) knowingly or intentionally:
    - (A) manufactures;
    - (B) finances the manufacture of;
    - (C) delivers; or
    - (D) finances the delivery of; a synthetic drug or synthetic drug lookalike substance;or
  - (2) possesses, with intent to:
    - (A) manufacture;
    - (B) finance the manufacture of;
    - (C) deliver; or
    - (D) finance the delivery of; a synthetic drug or synthetic drug lookalike substance; commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor, except as provided in subsections (d) through (e).
- (d) A person may be convicted of an offense under subsection (c)(2) only if there is evidence in addition to the weight of the synthetic drug or synthetic drug lookalike substance that the

person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the synthetic drug or synthetic drug lookalike substance.

- (e) The offense in subsection (c) is:
  - (1) a Level 6 felony if:
    - (A) the recipient or intended recipient is less than eighteen (18) years of age;
    - (B) the amount involved is more than five (5) grams; or
    - (C) the person has a prior conviction of an offense involving a synthetic drug or synthetic drug lookalike substance; and
  - (2) a Level 5 felony if the amount involved is more than five (5) grams and the person delivered or financed the delivery of the synthetic drug or synthetic drug lookalike substance:
    - (A) on a school bus; or
    - (B) in, on, or within five hundred (500) feet of:
      - (i) school property; or
      - (ii) a public park; while a person under eighteen (18) years of age was reasonably expected to be present.
- (f) In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:
  - (1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) year if the person's violation of this section resulted in a criminal conviction; and
  - (2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed an infraction.
- (g) The department of state revenue shall suspend the registered retail merchant certificate of a retail merchant in accordance with the recommendation of the court. Whenever the department of state revenue is required to suspend a retail merchant's registered retail merchant certificate under this section, the department shall immediately mail a notice to the retail merchant's address that must state that the retail merchant's registered retail merchant certificate will be suspended for the period recommended by the court, commencing five (5) days after the date of the notice.

#### **IC 35-48-4-11**

- (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 the person has a prior conviction for a drug offense.
- (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.
- (d) It is a defense to a prosecution under subsection (a)(1) based on the possession of a substance containing cannabidiol that:
- (1) the person is a patient or caregiver registered under IC 16-42-28.6 for the use of a substance containing cannabidiol;
  - (2) the person reasonably believed that the substance possessed by the person was a substance containing cannabidiol; and
  - (3) the substance containing cannabidiol is packaged in a container labeled with the origin, volume, and concentration by weight of total THC, including its precursors and derivatives, and cannabidiol.
- (e) It is a defense to a prosecution under this section based on the possession of a substance containing cannabidiol that:
- (1) the substance containing cannabidiol has been approved by the federal Food and Drug Administration or the federal Drug Enforcement Agency as a prescription drug; and
  - (2) the substance was prescribed and dispensed in accordance with the federal approval described in subdivision (1).

#### **IC 35-48-4-11.5**

- (a) As used in this section, "synthetic drug lookalike substance" has the meaning set forth in IC 35-31.5-2-321.5(a)(2).
- (b) A person who possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class B infraction.
- (c) A person who knowingly or intentionally possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.

#### **IC 35-48-4-14.5**

- (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.

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- (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 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**

- (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 an individual whom the person knows has been forced into:
- (A) forced labor;
  - (B) involuntary servitude; or
  - (C) prostitution or juvenile prostitution.
- (5) To provide a location for a person to commit a violation of IC 35-42-3.5-1(a) through IC 35-42-3.5-1(d) (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 person who has been forced into forced labor, involuntary servitude, prostitution, or juvenile prostitution 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.

# Federal Trafficking Offenses

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense:</b> 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>		
Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 Gram		<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> 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>		
Any Amount Of Other Schedule III Drugs		<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		
Any Amount Of All Schedule V Drugs		<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

Drug and Alcohol Offenses - Federal and State  
 Current as of July 1, 2017

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.  Second Offense: Not less than 20 yrs. or 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 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.
Hashish More than 10 kilograms	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Hashish Oil More than 1 kilogram	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.  Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
1 to 49 marijuana plants	Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish 10 kilograms or less	Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish Oil 1 kilogram or less	Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.