



Indiana State Excise Police News Release

302 West Washington Street, Room E112 ~ Indianapolis, IN 46204
Telephone: (317) 232-2469 ~ Fax: (317) 233-6114
www.in.gov/atc

For Immediate Release

Contact Person:

Officer Travis Thickstun
tthickstun@atc.in.gov
(317) 232-2469

Enforcement of K2/Spice in Tobacco Shops

Indianapolis, Ind. – Indiana State Excise Police officers have begun enforcing a new statute that prohibits possession of, or dealing in, synthetic cannabinoids, also known as K2 or Spice.

Effective July 1, 2011, [Indiana Code 35-48-4](#) was amended to make it unlawful for a person to possess or deal in salvia, or a synthetic cannabinoid (see attached statutes).

Businesses found in violation of [I.C. 35-48-4-10](#) are subject to having their Tobacco Sales Certificate revoked (pursuant to [I.C. 25-1-1.1-3](#)) and criminal prosecution for dealing as a Class D Felony. It's a Class C Felony if within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center.

Please contact your [local Excise Police office](#) for additional information or to file a complaint on a business in violation of this new statute.

Indiana State Excise Police is the enforcement division of the Indiana Alcohol & Tobacco Commission. While excise officers are empowered by statute to enforce any state law, they focus primarily on alcohol, tobacco and related violations. You can now follow the Indiana State Excise Police on Twitter ([@ExcisePolice](#)) or [Facebook](#).

IC 35-48-4-10

Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid

Sec. 10. (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, salvia, or a synthetic cannabinoid, 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, salvia, or a synthetic cannabinoid, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is:

(1) a Class D felony if:

- (A) the recipient or intended recipient is under eighteen (18) years of age;
- (B) the amount involved is more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, salvia, or a synthetic cannabinoid; or
- (C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid; and

(2) a Class C felony if the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, salvia, or a synthetic cannabinoid, or the person delivered or financed the delivery of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

As added by Acts 1976, P.L.148, SEC.7. Amended by Acts 1977,

P.L.340, SEC.105; Acts 1979, P.L.303, SEC.11; Acts 1982, P.L.204, SEC.38; P.L.296-1987, SEC.11; P.L.165-1990, SEC.12; P.L.296-1995, SEC.9; P.L.65-1996, SEC.17; P.L.17-2001, SEC.26; P.L.138-2011, SEC.16; P.L.182-2011, SEC.16.

IC 35-48-4-11

Possession of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid

Sec. 11. A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid;

(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, salvia, or a synthetic cannabinoid, a Class A misdemeanor. However, the offense is a Class D felony (i) if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, salvia, or a synthetic cannabinoid, or (ii) if the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid.

As added by Acts 1976, P.L.148, SEC.7. Amended by Acts 1977, P.L.340, SEC.106; Acts 1979, P.L.303, SEC.12; P.L.138-1983, SEC.5; P.L.138-2011, SEC.17.