

# LEGAL NOTICE



## Illegal Drugs Marketed as “Spice,” “Incense,” “Potpourri,” “Plant Food,” and “Bath Salts”

**MANUFACTURING, DISTRIBUTING, OR POSSESSING PRODUCTS THAT CONTAIN CHEMICALS BANNED UNDER THE INDIANA CONTROLLED SUBSTANCES ACT, IND. CODE § 35-48-1-1, *ET SEQ.*, INCLUDING SUBSTANCES AND COMPOUNDS LISTED IN IND. CODE § 35-41-1-26.3’S DEFINITION OF “SYNTHETIC DRUG” – AS WELL AS ANY ANALOGS OF THOSE SYNTHETIC DRUGS – IS A CLASS A MISDEMEANOR.**

**ADDITIONALLY, THE OFFENSE IS A FELONY IF BANNED SYNTHETIC DRUGS ARE DISTRIBUTED TO MINORS, IF MORE THAN 2 GRAMS OF THE BANNED SYNTHETIC DRUG IS MANUFACTURED OR DISTRIBUTED, OR IF AN INDIVIDUAL HAS A PRIOR SYNTHETIC DRUG CONVICTION UNDER THE ACT.**

**FURTHERMORE, IT IS A FELONY TO DEAL IN A SUBSTANCE REPRESENTED TO BE A CONTROLLED SUBSTANCE OR THAT REASONABLY APPEARS TO BE A CONTROLLED SUBSTANCE, EVEN IF THE CHEMICAL COMPOSITIONS OF SUCH ITEMS DO NOT EXACTLY MATCH THE CURRENT STATUTORY DESCRIPTION OF SYNTHETIC DRUGS.**

- Other remedies, penalties, and consequences for legal violations in relation to synthetic drug production and distribution include:
  - Revocation of retail merchant certificates (Ind. Code § 6-2.5-8-7)
  - Civil actions for court-ordered injunctions and payment of civil penalties
  - Actions to abate public health and drug nuisances
  - Seizure of inventory and assets used to facilitate violations
  - Unpaid sales tax enforcement
  - Enforcement actions for violations of the Indiana Deceptive Consumer Sales Act (Ind. Code § 24-5-0.5) which can include injunctions, civil penalties, and restitution orders
  - Enforcement actions for violations of the Indiana Uniform Food, Drug, and Cosmetics Act (Ind. Code § 16-42-1-1, *et seq.*), which can include injunctions, civil penalties, cease and desist orders, inventory seizures, and inventory destruction.
- House Enrolled Act 1196 (Public Law 78-2012) is available here:  
<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2012&session=1&request=getBill&doctype=HB&docno=1196>
- Indiana’s Controlled Substances Act is available here:  
<http://www.in.gov/legislative/ic/code/title35/ar48/>

**RELIANCE ON PACKAGING REPRESENTATIONS, SUPPLIER REPRESENTATIONS, AND LAB REPORTS SHALL BE  
DONE AT YOUR OWN RISK.**