

1975 O. A. G.

OFFICIAL OPINION NO. 2

May 28, 1975

Honorable Robert H. Bales  
Indiana State Representative  
Post Office Box 34  
Danville, Indiana 46122

Dear Representative Bales:

This is in response to your request for my official opinion on the following question:

“Is it legal in Indiana to possess and use marihuana in the manufacture, distribution, and sale of promotional and decorative devices such as jewelry or other containers?”

ANALYSIS

The Indiana Controlled Substances Act, as found in the Indiana Code of 1971, Section 35-24.1-1-1, *et seq.*, as amended by Senate Enrolled Act Number 95 of the 1975 session of the Indiana General Assembly, forbids the possession and sale of *Cannabis sativa* L, commonly referred to as “marihuana.” The Act provides criminal penalties for the possession and/or sale of this substance; those penalties being relational to the quantity of the substance involved and whether the proscribed conduct involves the possession or sale of the substance. The Act forbids all sales and possession of *Cannabis sativa* L, and makes no distinction based upon the use to which the substance will be put, or the motivation for its possession or sale.

CONCLUSION

It is, therefore, my Official Opinion that the use of *Cannabis sativa* L, commonly known as marihuana, in the manufacture, distribution or sale of promotional or decorative devices such as jewelry or other containers is criminally proscribed under the Indiana Controlled Substances Act.