



Reprinted
January 21, 2026

SENATE BILL No. 144

DIGEST OF SB 144 (Updated January 20, 2026 2:54 pm - DI 106)

Citations Affected: IC 7.1-7; IC 35-31.5; IC 35-46.

Synopsis: Tobacco products and vapor devices. Increases the penalty for a person who: (1) makes a delivery sale of an e-liquid to an individual less than 21 years of age; (2) sells or distributes a tobacco product to a person less than 21 years of age; and (3) purchases a tobacco product for a person less than 21 years of age; from a Class C infraction to a Class B infraction. Makes it a Class B infraction for a person to make a delivery sale of a vapor device to an individual less than 21 years of age. Makes it a Class B infraction for a person to: (1) sell or distribute a vapor device to a person less than 21 years of age; and (2) purchase a vapor device for a person less than 21 years of age. Makes it a Class C infraction for a person less than 21 years of age to purchase, accept, or possess a vapor device.

Effective: July 1, 2026.

**Alexander, Freeman, Bohacek,
Koch, Deery, Rogers**

January 5, 2026, read first time and referred to Committee on Corrections and Criminal Law.

January 13, 2026, reported favorably — Do Pass.

January 20, 2026, read second time, amended, ordered engrossed.

SB 144—LS 6335/DI 107



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 144

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-7-1-1, AS AMENDED BY P.L.206-2017,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), this
4 article applies to the following:
5 (1) The commercial manufacturing, bottling, selling, bartering, or
6 importing of e-liquid in Indiana.
7 (2) The sale, possession, and use of e-liquid products in Indiana.
8 (b) This article does not apply to a manufacturer of a closed system
9 vapor ~~product~~, **device**, except as specifically provided in this article.
10 SECTION 2. IC 7.1-7-2-10, AS AMENDED BY P.L.206-2017,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 10. "E-liquid" means a substance that:
13 (1) may or may not contain nicotine; and
14 (2) is intended to be vaporized and inhaled using a vapor ~~product~~.
15 **device.**
16 SECTION 3. IC 7.1-7-2-12, AS AMENDED BY P.L.206-2017,
17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2026]: Sec. 12. "Flavoring" means a food grade additive or synthetic flavoring substance that is used to add flavor and that is not prohibited by the federal Food and Drug Administration as an additive in vapor ~~products~~ **devices**.

SECTION 4. IC 7.1-7-2-15.5, AS ADDED BY P.L.206-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15.5. "Manufacturer of a closed system vapor ~~product~~ **device**" means a manufacturer of vapor ~~products~~ **devices** whose closed system vapor ~~products~~ **devices** are for sale in Indiana, but that does not produce open system vapor ~~products~~ **devices** that are for sale in Indiana.

SECTION 5. IC 7.1-7-2-23, AS AMENDED BY P.L.206-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 23. "Vapor ~~product~~ **device**" means a powered vaporizer that converts e-liquid to a vapor intended for inhalation.

SECTION 6. IC 7.1-7-5-1.1, AS AMENDED BY P.L.220-2023, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.1. (a) A retailer must have a valid sales certificate issued by the commission in accordance with IC 7.1-3-18.5-1 that contains a separate box to check for identifying a retailer that sells e-liquids.

(b) A retailer may purchase e-liquid only from an Indiana e-liquid manufacturing permit holder or an Indiana distributor permit holder.

(c) A retailer shall retain all invoices for e-liquid that the retailer purchases for two (2) years.

(d) A retailer shall not allow the self-service sale for individuals purchasing an e-liquid.

(e) A retailer may not sell an e-liquid that contains more than seventy-five (75) milligrams per milliliter of nicotine.

(f) A manufacturer must have an e-liquid manufacturing permit issued under IC 7.1-7-4.

(g) A distributor that does not have a valid e-liquid manufacturing permit issued under IC 7.1-7-4 must have a valid distributor's license issued under IC 6-7-2-8.

(h) A distributor shall purchase and distribute e-liquid from an:

(1) Indiana e-liquid manufacturer that has a valid e-liquid manufacturing permit under IC 7.1-7-4; or

(2) Indiana e-liquid distributor that has a valid:

(A) e-liquid manufacturing permit issued under IC 7.1-7-4; or

(B) distributor's license under IC 6-7-2-8.

(i) A distributor shall retain all invoices to a retailer or from a manufacturer for at least two (2) years.



(j) A manufacturer, distributor, or retailer may not market e-liquid as a modified risk tobacco product, as defined by IC 7.1-7-2-17.5, that has not been designated as a modified risk tobacco product by the federal Food and Drug Administration.

(k) Except as provided in subsection (m), a manufacturer, including a manufacturer of a closed system vapor ~~product~~, **device**, shall annually submit a report to the commission setting forth:

(1) each new **product or device** that the manufacturer is producing and is sold in Indiana with a list of the contents and ingredients by volume; and

(2) whether the manufacturer has stopped producing **products or devices** previously produced and sold in Indiana.

A report under this subsection is confidential, and the commission may not disclose it to another person.

(l) A manufacturer shall annually submit a report to the commission setting forth:

(1) the milligrams per milliliter of nicotine in each **product or device** the manufacturer produces; and

(2) the milliliters of each **product or device** sold that current year.

A report under this subsection is confidential, and the ATC may not disclose it to another person.

(m) A manufacturer is not required to submit a report described in subsection (k) if the manufacturer submits to the commission a certification, by October 1 of each year, that each of the manufacturer's vapor ~~products~~ **devices** sold in Indiana has been filed with the federal Food and Drug Administration.

SECTION 7. IC 7.1-7-6-5, AS AMENDED BY P.L.49-2020, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes a delivery sale of an e-liquid **or a vapor device** to an individual who is less than twenty-one (21) years of age commits a ~~Class C~~ **Class B** infraction.

SECTION 8. IC 35-31.5-2-345.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 345.4. "Vapor device" means a powered vaporizer that converts e-liquid to a vapor intended for inhalation.**

SECTION 9. IC 35-46-1-10, AS AMENDED BY P.L.163-2025, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person may not be charged with a violation under this section and a violation under IC 7.1-7-6-5.

(b) A person who knowingly:



(1) sells or distributes a tobacco product **or a vapor device** to a person less than twenty-one (21) years of age; or
 (2) purchases a tobacco product **or a vapor device** for delivery to another person who is less than twenty-one (21) years of age;
 commits a ~~Class C~~ **Class B** infraction. For a sale to take place under this section, the buyer must pay the seller for the tobacco product **or vapor device**.

(c) It is not a defense that the person to whom the tobacco product **or vapor device** was sold or distributed did not smoke, chew, inhale, or otherwise consume the tobacco product **or vapor device**.

(d) The following defenses are available to a person accused of selling or distributing a tobacco product **or a vapor device** to a person who is less than twenty-one (21) years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph, showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1, or a similar card issued under the laws of another state or the federal government, showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than thirty (30) years of age.

(e) It is a defense that the accused person sold or delivered the tobacco product **or vapor device** to a person who acted in the ordinary course of employment or a business concerning tobacco products **or vapor devices** including the following activities:

(1) Agriculture.

(2) Processing.

(3) Transporting.

(4) Wholesaling.

(5) Retailing.

(f) As used in this section, "distribute" means to give a tobacco product **or a vapor device** to another person as a means of promoting, advertising, or marketing the tobacco product **or vapor device** to the general public.

(g) Unless the person buys or receives a tobacco product **or a vapor device** under the direction of a law enforcement officer as part of an enforcement action, a person who sells or distributes a tobacco product **or a vapor device** is not liable for a violation of this section unless the person less than twenty-one (21) years of age who bought or received the tobacco product **or vapor device** is issued a citation or summons



1 under section 10.5 of this chapter.

2 (h) Notwithstanding IC 34-28-5-5(c), civil penalties collected under
3 this section must be deposited in the Richard D. Doyle tobacco
4 education and enforcement fund (IC 7.1-6-2-6).

5 SECTION 10. IC 35-46-1-10.5, AS AMENDED BY P.L.163-2025,
6 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 10.5. (a) A person less than twenty-one (21) years
8 of age who:

9 (1) purchases a tobacco product **or vapor device**;

10 (2) accepts a tobacco product **or vapor device** for personal use;

11 or

12 (3) possesses a tobacco product **or vapor device** on the person's
13 person;

14 commits a Class C infraction.

15 (b) It is a defense under subsection (a) that the accused person acted
16 in the ordinary course of employment in a business concerning a
17 tobacco product **or vapor device** for the following activities:

18 (1) Agriculture.

19 (2) Processing.

20 (3) Transporting.

21 (4) Wholesaling.

22 (5) Retailing.

23 (c) A person less than twenty-one (21) years of age who has in the
24 person's possession false or fraudulent evidence of majority or identity
25 with the intent to purchase a tobacco product **or vapor device** commits
26 a Class C infraction.



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 144 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 0

SENATE MOTION

Mr. President: I move that Senate Bill 144 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-7-1-1, AS AMENDED BY P.L.206-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), this article applies to the following:

(1) The commercial manufacturing, bottling, selling, bartering, or importing of e-liquid in Indiana.

(2) The sale, possession, and use of e-liquid products in Indiana.

(b) This article does not apply to a manufacturer of a closed system vapor ~~product, device~~, except as specifically provided in this article.

SECTION 2. IC 7.1-7-2-10, AS AMENDED BY P.L.206-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. "E-liquid" means a substance that:

(1) may or may not contain nicotine; and

(2) is intended to be vaporized and inhaled using a vapor ~~product, device~~.

SECTION 3. IC 7.1-7-2-12, AS AMENDED BY P.L.206-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. "Flavoring" means a food grade additive or synthetic flavoring substance that is used to add flavor and that is not prohibited by the federal Food and Drug Administration as an additive in vapor ~~products, devices~~.

SECTION 4. IC 7.1-7-2-15.5, AS ADDED BY P.L.206-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2026]: Sec. 15.5. "Manufacturer of a closed system vapor ~~product~~ **device**" means a manufacturer of vapor ~~products~~ **devices** whose closed system vapor ~~products~~ **devices** are for sale in Indiana, but that does not produce open system vapor ~~products~~ **devices** that are for sale in Indiana.

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SECTION 6. IC 7.1-7-5-1.1, AS AMENDED BY P.L.220-2023, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.1. (a) A retailer must have a valid sales certificate issued by the commission in accordance with IC 7.1-3-18.5-1 that contains a separate box to check for identifying a retailer that sells e-liquids.

(b) A retailer may purchase e-liquid only from an Indiana e-liquid manufacturing permit holder or an Indiana distributor permit holder.

(c) A retailer shall retain all invoices for e-liquid that the retailer purchases for two (2) years.

(d) A retailer shall not allow the self-service sale for individuals purchasing an e-liquid.

(e) A retailer may not sell an e-liquid that contains more than seventy-five (75) milligrams per milliliter of nicotine.

(f) A manufacturer must have an e-liquid manufacturing permit issued under IC 7.1-7-4.

(g) A distributor that does not have a valid e-liquid manufacturing permit issued under IC 7.1-7-4 must have a valid distributor's license issued under IC 6-7-2-8.

(h) A distributor shall purchase and distribute e-liquid from an:

(1) Indiana e-liquid manufacturer that has a valid e-liquid manufacturing permit under IC 7.1-7-4; or

(2) Indiana e-liquid distributor that has a valid:

(A) e-liquid manufacturing permit issued under IC 7.1-7-4; or

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(i) A distributor shall retain all invoices to a retailer or from a manufacturer for at least two (2) years.

(j) A manufacturer, distributor, or retailer may not market e-liquid as a modified risk tobacco product, as defined by IC 7.1-7-2-17.5, that has not been designated as a modified risk tobacco product by the federal Food and Drug Administration.

(k) Except as provided in subsection (m), a manufacturer, including a manufacturer of a closed system vapor ~~product~~, **device**, shall annually



submit a report to the commission setting forth:

- (1) each new product **or device** that the manufacturer is producing and is sold in Indiana with a list of the contents and ingredients by volume; and
- (2) whether the manufacturer has stopped producing products **or devices** previously produced and sold in Indiana.

A report under this subsection is confidential, and the commission may not disclose it to another person.

(l) A manufacturer shall annually submit a report to the commission setting forth:

- (1) the milligrams per milliliter of nicotine in each product **or device** the manufacturer produces; and
- (2) the milliliters of each product **or device** sold that current year.

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(m) A manufacturer is not required to submit a report described in subsection (k) if the manufacturer submits to the commission a certification, by October 1 of each year, that each of the manufacturer's vapor ~~products~~ **devices** sold in Indiana has been filed with the federal Food and Drug Administration."

Page 1, line 4, delete "product" and insert "**device**".

Page 1, line 9, delete "product"" and insert "**device**".

Page 1, line 17, after "vapor" delete "product" and insert "**device**".

Page 2, line 2, after "vapor" delete "product" and insert "**device**".

Page 2, line 6, delete "product." and insert "**device**".

Page 2, line 8, delete "product" and insert "**device**".

Page 2, line 9, delete "product." and insert "**device**".

Page 2, line 11, after "vapor" delete "product" and insert "**device**".

Page 2, line 24, after "vapor" delete "product" and insert "**device**".

Page 2, line 26, delete "vapor products" and insert "**vapor devices**".

Page 2, line 33, delete "vapor product" and insert "**vapor device**".

Page 2, line 35, delete "product" and insert "**device**".

Page 2, line 37, delete "product" and insert "**device**".

Page 2, line 39, delete "product" and insert "**device**".

Page 2, line 41, after "vapor" delete "product" and insert "**device**".

Page 3, line 8, delete "product;" and insert "**device;**".

Page 3, line 9, after "vapor" delete "product" and insert "**device**".

Page 3, line 11, after "vapor" delete "product" and insert "**device**".

Page 3, line 16, after "vapor" delete "product" and insert "**device**".

Page 3, line 24, after "vapor" delete "product" and insert "**device**".

Renumber all SECTIONS consecutively.



(Reference is to SB 144 as printed January 14, 2026.)

FREEMAN

