



SENATE MOTION

MR. PRESIDENT:

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

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 7.1-7-1-1, AS AMENDED BY P.L.206-2017,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), this
- 6 article applies to the following:
- 7 (1) The commercial manufacturing, bottling, selling, bartering, or
- 8 importing of e-liquid in Indiana.
- 9 (2) The sale, possession, and use of e-liquid products in Indiana.
- 10 (b) This article does not apply to a manufacturer of a closed system
- 11 vapor ~~product~~, **device**, except as specifically provided in this article.
- 12 SECTION 2. IC 7.1-7-2-10, AS AMENDED BY P.L.206-2017,
- 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2026]: Sec. 10. "E-liquid" means a substance that:
- 15 (1) may or may not contain nicotine; and
- 16 (2) is intended to be vaporized and inhaled using a vapor ~~product~~.
- 17 **device.**
- 18 SECTION 3. IC 7.1-7-2-12, AS AMENDED BY P.L.206-2017,
- 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2026]: Sec. 12. "Flavoring" means a food grade additive or
- 21 synthetic flavoring substance that is used to add flavor and that is not
- 22 prohibited by the federal Food and Drug Administration as an additive
- 23 in vapor ~~products~~. **devices.**
- 24 SECTION 4. IC 7.1-7-2-15.5, AS ADDED BY P.L.206-2017,
- 25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2026]: Sec. 15.5. "Manufacturer of a closed system vapor
- 27 ~~product~~" **device**" means a manufacturer of vapor ~~products~~ **devices**

1 whose closed system vapor ~~products~~ **devices** are for sale in Indiana, but
 2 that does not produce open system vapor ~~products~~ **devices** that are for
 3 sale in Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 Renumber all SECTIONS consecutively.

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

Senator FREEMAN