



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