



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 144

Citations Affected: IC 7.1-1-3-47.5; IC 7.1-7-6-5; IC 35-31.5-2; IC 35-46-1.

Synopsis: Tobacco, e-liquid, 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. Prohibits a person from advertising an e-liquid or a vapor product, by any medium, within 1,000 feet of school property. **(This conference committee report removes provisions that make it a Class B misdemeanor to sell a THC containing product to a minor.)**

Effective: July 1, 2026.



CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 144 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 7.1-1-3-47.5, AS AMENDED BY P.L.163-2025,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2026]: Sec. 47.5. (a) "Tobacco product", except as provided
- 5 in subsection (b), has the meaning set forth in IC 7.1-6-1-3.
- 6 (b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a
- 7 product that:
- 8 (1) contains tobacco or nicotine, including e-liquid (as defined by
- 9 IC 7.1-7-2-10) **and e-liquid products (as defined by**
- 10 **IC 7.1-7-2-10.5);**
- 11 (2) is intended for human consumption; and
- 12 (3) is not approved by the federal Food and Drug Administration
- 13 for tobacco cessation.
- 14 SECTION 2. IC 7.1-7-6-5, AS AMENDED BY ESB 185-2026,
- 15 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes
- 17 a delivery sale of an e-liquid, **an** e-liquid product, or a vapor device to
- 18 an individual who is less than twenty-one (21) years of age commits a
- 19 ~~Class C~~ **Class B** infraction.
- 20 SECTION 3. IC 35-31.5-2-107.5, AS ADDED BY P.L.49-2020,
- 21 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2026]: Sec. 107.5. "E-liquid" for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.4.

SECTION 4. 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 5. 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 under section 10.5 of this chapter.

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

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

- (1) purchases a tobacco product **or vapor device**;
- (2) accepts a tobacco product **or vapor device** for personal use;
- or
- (3) possesses a tobacco product **or vapor device** on the person's person;

commits a Class C infraction.

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

- (1) Agriculture.
- (2) Processing.
- (3) Transporting.
- (4) Wholesaling.
- (5) Retailing.

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

SECTION 7. IC 35-46-1-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 11.1. (a) A person may not advertise an e-liquid or a vapor product (as defined in IC 7.1-7-2-23), by any medium, within one thousand (1,000) feet of school property (as defined in IC 35-31.5-2-285).**

(b) A person who violates this section commits a Class C infraction. However, the violation is a Class C misdemeanor if the person has a prior unrelated judgment for violating this section.

(Reference is to ESB 144 as reprinted February 24, 2026.)

Conference Committee Report
on
Engrossed Senate Bill 144

Signed by:

Senator Alexander
Chairperson

Representative Rowray

Senator Niezgodski

Representative DeLaney

Senate Conferees

House Conferees