

# PROPOSED AMENDMENT

## SB 144 # 2

### DIGEST

Conflict resolution. Removes or amends provisions that are included in, or are in conflict with, SB 185. Modifies a definition of "tobacco product" to include e-liquid products. Removes a limit on the applicability of the definition of "e-liquid". Makes it a Class B misdemeanor to sell a substance containing THC to a minor, and increases the penalty under certain circumstances.

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- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
2           "SECTION 1. IC 7.1-1-3-46.5 IS ADDED TO THE INDIANA  
3           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2026]: **Sec. 46.5. "THC" means**  
5           **tetrahydrocannabinol, including hemp derived cannabinoid**  
6           **products, low THC hemp extract, synthetic equivalents of the**  
7           **substances contained in the plant or in the resinous extractives of**  
8           **cannabis, and synthetic substances, derivates, and their isomers**  
9           **with a similar chemical structure and pharmacological activity.**  
10          SECTION 2. IC 7.1-1-3-47.5, AS AMENDED BY P.L.163-2025,  
11          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12          JULY 1, 2026]: Sec. 47.5. (a) "Tobacco product", except as provided  
13          in subsection (b), has the meaning set forth in IC 7.1-6-1-3.  
14          (b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a  
15          product that:  
16                  (1) contains tobacco or nicotine, including e-liquid (as defined by  
17                  IC 7.1-7-2-10) **and e-liquid products (as defined by**  
18                  **IC 7.1-7-2-10.5);**  
19                  (2) is intended for human consumption; and  
20                  (3) is not approved by the federal Food and Drug Administration  
21                  for tobacco cessation.  
22          SECTION 3. IC 7.1-7-6-5, AS AMENDED BY ESB 185-2026,  
23          SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24          JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes  
25          a delivery sale of an e-liquid, **an** e-liquid product, or a vapor device to

1 an individual who is less than twenty-one (21) years of age commits a  
 2 ~~Class C~~ **Class B** infraction.

3 SECTION 4. IC 7.1-5-7-8.1 IS ADDED TO THE INDIANA CODE  
 4 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 5 1, 2026]: **Sec. 8.1. (a) It is a Class B misdemeanor for a person to**  
 6 **recklessly, knowingly, or intentionally:**

7 (1) **sell, in person or online;**

8 (2) **barter;**

9 (3) **exchange;**

10 (4) **provide; or**

11 (5) **furnish;**

12 **a product or substance containing THC to a minor.**

13 **(b) However, the offense described in subsection (a) is:**

14 (1) **a Class A misdemeanor if the person has a prior unrelated**  
 15 **conviction under this section; and**

16 (2) **a Level 6 felony if the consumption, ingestion, or use of the**  
 17 **THC is the proximate cause of the serious bodily injury or**  
 18 **death of any person.**

19 **(c) A website owned, managed, or operated by a person who**  
 20 **distributes or sells THC directly to consumers must, before**  
 21 **completing a purchase, verify the age of an individual purchasing**  
 22 **THC by:**

23 (1) **using a reliable online age verification service; or**

24 (2) **obtaining and examining a copy of a government issued**  
 25 **identification.**

26 SECTION 5. IC 7.1-5-7-17, AS ADDED BY P.L.94-2008,  
 27 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: **Sec. 17. (a) Notwithstanding any other law, an**  
 29 **enforcement officer vested with full police powers and duties may**  
 30 **engage a person who is:**

31 (1) **at least eighteen (18) years of age; and**

32 (2) **less than twenty-one (21) years of age;**

33 **to receive or purchase alcoholic beverages or THC as part of an**  
 34 **enforcement action under this article.**

35 **(b) The initial or contemporaneous receipt or purchase of an**  
 36 **alcoholic beverage or THC under this section by a person described in**  
 37 **subsection (a) must:**

38 (1) **occur under the direction of an enforcement officer vested**  
 39 **with full police powers and duties; and**

40 (2) **be a part of the enforcement action.**

1 SECTION 6. IC 35-31.5-2-107.5, AS ADDED BY P.L.49-2020,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 107.5. "E-liquid" ~~for purposes of IC 35-46-1,~~ has  
4 the meaning set forth in IC 35-46-1-1.4."

5 Delete page 2.

6 Page 3, delete lines 1 through 32.

7 Page 5, after line 26, begin a new paragraph and insert:

8 "SECTION 15. IC 35-52-7-40.1 IS ADDED TO THE INDIANA  
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2026]: **Sec. 40.1. IC 7.1-5-7-8.1 defines a**  
11 **crime concerning THC.**"

12 Renumber all SECTIONS consecutively.

(Reference is to SB 144 as reprinted January 21, 2026.)