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**SENATE BILL No. 144**

**AM014402 has been incorporated into January 21, 2026 printing.**

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**Synopsis:** Tobacco products and vapor devices.

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SB 144—LS 6335/DI 107



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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.

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## 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 7.1-1-3-46.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2026]: **Sec. 46.5. "THC" means**
- 4 **tetrahydrocannabinol, including hemp derived cannabinoid**
- 5 **products, low THC hemp extract, synthetic equivalents of the**
- 6 **substances contained in the plant or in the resinous extractives of**
- 7 **cannabis, and synthetic substances, derivates, and their isomers**
- 8 **with a similar chemical structure and pharmacological activity.**
- 9 SECTION 2. IC 7.1-1-3-47.5, AS AMENDED BY P.L.163-2025,
- 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2026]: Sec. 47.5. (a) "Tobacco product", except as provided
- 12 in subsection (b), has the meaning set forth in IC 7.1-6-1-3.
- 13 (b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a
- 14 product that:
- 15 (1) contains tobacco or nicotine, including e-liquid (as defined
- 16 by IC 7.1-7-2-10) **and e-liquid products (as defined by**
- 17 **IC 7.1-7-2-10.5);**

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- 1 (2) is intended for human consumption; and
- 2 (3) is not approved by the federal Food and Drug Administration
- 3 for tobacco cessation.

4 SECTION 3. IC 7.1-7-6-5, AS AMENDED BY ESB 185-2026,  
 5 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes  
 7 a delivery sale of an e-liquid, **an** e-liquid product, or a vapor device to  
 8 an individual who is less than twenty-one (21) years of age commits a  
 9 ~~Class C~~ **Class B** infraction.

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

- 15 (1) **sell, in person or online;**
- 16 (2) **barter;**
- 17 (3) **exchange;**
- 18 (4) **provide; or**
- 19 (5) **furnish;**

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

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

- 22 (1) **a Class A misdemeanor if the person has a prior**
- 23 **unrelated conviction under this section; and**
- 24 (2) **a Level 6 felony if the consumption, ingestion, or use of**
- 25 **the THC is the proximate cause of the serious bodily injury**
- 26 **or death of any person.**

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

- 31 (1) **using a reliable online age verification service; or**
- 32 (2) **obtaining and examining a copy of a government issued**
- 33 **identification.**

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

- 39 (1) at least eighteen (18) years of age; and
- 40 (2) less than twenty-one (21) years of age;
- 41 to receive or purchase alcoholic beverages **or THC** as part of an
- 42 enforcement action under this article.

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

- 4 (1) occur under the direction of an enforcement officer vested
- 5 with full police powers and duties; and
- 6 (2) be a part of the enforcement action.

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

11 SECTION 7. IC 35-31.5-2-345.4 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2026]: **Sec. 345.4. "Vapor device" means a**  
14 **powered vaporizer that converts e-liquid to a vapor intended for**  
15 **inhalation.**

16 SECTION 8. IC 35-46-1-10, AS AMENDED BY P.L.163-2025,  
17 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2026]: Sec. 10. (a) A person may not be charged with a  
19 violation under this section and a violation under IC 7.1-7-6-5.

20 (b) A person who knowingly:

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

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

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

- 34 (1) The buyer or recipient produced a driver's license bearing the
- 35 purchaser's or recipient's photograph, showing that the purchaser
- 36 or recipient was of legal age to make the purchase.
- 37 (2) The buyer or recipient produced a photographic identification
- 38 card issued under IC 9-24-16-1, or a similar card issued under
- 39 the laws of another state or the federal government, showing that
- 40 the purchaser or recipient was of legal age to make the purchase.
- 41 (3) The appearance of the purchaser or recipient was such that
- 42 an ordinary prudent person would believe that the purchaser or

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- 1 recipient was not less than thirty (30) years of age.
- 2 (e) It is a defense that the accused person sold or delivered the  
3 tobacco product **or vapor device** to a person who acted in the ordinary  
4 course of employment or a business concerning tobacco products **or**  
5 **vapor devices** including the following activities:
- 6 (1) Agriculture.
  - 7 (2) Processing.
  - 8 (3) Transporting.
  - 9 (4) Wholesaling.
  - 10 (5) Retailing.
- 11 (f) As used in this section, "distribute" means to give a tobacco  
12 product **or a vapor device** to another person as a means of promoting,  
13 advertising, or marketing the tobacco product **or vapor device** to the  
14 general public.
- 15 (g) Unless the person buys or receives a tobacco product **or a**  
16 **vapor device** under the direction of a law enforcement officer as part  
17 of an enforcement action, a person who sells or distributes a tobacco  
18 product **or a vapor device** is not liable for a violation of this section  
19 unless the person less than twenty-one (21) years of age who bought or  
20 received the tobacco product **or vapor device** is issued a citation or  
21 summons under section 10.5 of this chapter.
- 22 (h) Notwithstanding IC 34-28-5-5(c), civil penalties collected  
23 under this section must be deposited in the Richard D. Doyle tobacco  
24 education and enforcement fund (IC 7.1-6-2-6).
- 25 SECTION 9. IC 35-46-1-10.5, AS AMENDED BY P.L.163-2025,  
26 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2026]: Sec. 10.5. (a) A person less than twenty-one (21) years  
28 of age who:
- 29 (1) purchases a tobacco product **or vapor device**;
  - 30 (2) accepts a tobacco product **or vapor device** for personal use;
  - 31 or
  - 32 (3) possesses a tobacco product **or vapor device** on the person's  
33 person;
- 34 commits a Class C infraction.
- 35 (b) It is a defense under subsection (a) that the accused person  
36 acted in the ordinary course of employment in a business concerning  
37 a tobacco product **or vapor device** for the following activities:
- 38 (1) Agriculture.
  - 39 (2) Processing.
  - 40 (3) Transporting.
  - 41 (4) Wholesaling.
  - 42 (5) Retailing.

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

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

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