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SENATE BILL No. 144

Proposed Changes to January 21, 2026 printing by AM014402

DIGEST OF PROPOSED AMENDMENT

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.

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. <1-7-1-1,>[1-1-3-46.5 IS ADDED TO THE
2 INDIANA CODE] AS <AMENDED BY P.L.206-2017,>[A NEW
3]SECTION< 2, IS AMENDED> TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: [Sec. <1. (a) Except as provided in
5 **subsection (b), this article applies to the following:**
6 ~~— (1) The commercial manufacturing, bottling, selling,
7 bartering, or importing of e-liquid in Indiana.~~
8 ~~— (2) The sale, possession, and use of e-liquid products in
9 Indiana.~~
10 ~~— (b) This article does not apply to a manufacturer of a closed
11 system vapor product, device, except as specifically provided in this
12 article.]>[46.5. "THC" means tetrahydrocannabinol, including
13 hemp derived cannabinoid products, low THC hemp extract,
14 synthetic equivalents of the substances contained in the plant or in
15 the resinous extractives of cannabis, and synthetic substances,
16 derivates, and their isomers with a similar chemical structure and
17 pharmacological activity.]
18 SECTION 2. IC 7. <1-7-2-10>[1-1-3-47.5], AS AMENDED BY~~

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1 P.L. ~~206-2017, SECTION 9, IS AMENDED TO READ AS~~
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. "E-liquid" means
 3 a substance that:

4 ~~— (1) may or may not contain nicotine; and~~
 5 ~~— (2) is intended to be vaporized and inhaled using a vapor~~
 6 ~~product. **device.**~~

7 ~~— SECTION 3. IC 7.1-7-2-12, AS AMENDED BY P.L.206-2017,~~
 8 ~~SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 9 ~~JULY 1, 2026]: Sec. 12. "Flavoring" means a food grade additive or~~
 10 ~~synthetic flavoring substance that is used to add flavor and that is not~~
 11 ~~prohibited by the federal Food and Drug Administration as an additive~~
 12 ~~in vapor products. **devices.**~~

13 ~~— SECTION 4. IC 7.1-7-2-15.5, AS ADDED BY P.L.206-2017,~~
 14 ~~SECTION 14 > [\[163-2025, SECTION 4\]](#), IS AMENDED TO READ AS~~
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. ~~15.5.~~ "Manufacturer
 16 of a closed system vapor product" **device**" means a manufacturer of
 17 vapor products ~~devices~~ whose closed system vapor products ~~devices~~
 18 are for sale in Indiana, but that does not produce open system vapor
 19 products ~~devices~~ that are for sale in Indiana.

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

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

30 ~~— (b) A retailer may purchase e-liquid only from an Indiana e-liquid~~
 31 ~~manufacturing permit holder or an Indiana distributor permit holder.~~

32 ~~— (c) A retailer shall retain all invoices for e-liquid that the retailer~~
 33 ~~purchases for two (2) years.~~

34 ~~— (d) A retailer shall not allow the self-service sale for individuals~~
 35 ~~purchasing an e-liquid.~~

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

38 ~~— (f) A manufacturer must have an e-liquid manufacturing permit~~
 39 ~~issued under IC 7.1-7-4.~~

40 ~~— (g) A distributor that does not have a valid e-liquid manufacturing~~
 41 ~~permit issued under IC 7.1-7-4 must have a valid distributor's license~~
 42 ~~issued under IC 6-7-2-8.~~

SB 144—LS 6335/DI 107



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- 1 ~~— (h) A distributor shall purchase and distribute e-liquid from an:~~
2 ~~— (1) Indiana e-liquid manufacturer that has a valid e-liquid~~
3 ~~manufacturing permit under IC 7.1-7-4; or~~
4 ~~— (2) Indiana e-liquid distributor that has a valid:~~
5 ~~— (A) e-liquid manufacturing permit issued under IC 7.1-7-4;~~
6 ~~or~~
7 ~~— (B) distributor's license under IC 6-7-2-8.~~
8 ~~— (i) A distributor shall retain all invoices to a retailer or from a~~
9 ~~manufacturer for at least two (2) years.~~
10 ~~— (j) A manufacturer, distributor, or retailer may not market e-liquid~~
11 ~~as a modified risk tobacco product, >[47.5. (a) "Tobacco product",~~
12 ~~except as provided in subsection (b), has the meaning set forth in~~
13 ~~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~~
17 ~~by IC 7.1-7-2-17.5, that has not been designated as a modified~~
18 ~~risk tobacco product >[1-7-2-10) and e-liquid products (as~~
19 ~~defined by IC 7.1-7-2-10.5);~~
20 ~~(2) is intended for human consumption; and~~
21 ~~(3) is not approved] by the federal Food and Drug~~
22 ~~Administration <~~
23 ~~— (k) Except as provided in subsection (m), a manufacturer,~~
24 ~~including a manufacturer of a closed system vapor product, device,~~
25 ~~shall annually submit a report to the commission setting forth:~~
26 ~~— (1) each new product or device that the manufacturer is~~
27 ~~producing and is sold in Indiana with a list of the contents and~~
28 ~~ingredients by volume; and~~
29 ~~— (2) whether the manufacturer has stopped producing products or~~
30 ~~devices previously produced and sold in Indiana.~~
31 ~~A report under this subsection is confidential, and the commission may~~
32 ~~not disclose it to another person.~~
33 ~~— (l) A manufacturer shall annually submit a report to the~~
34 ~~commission setting forth:~~
35 ~~— (1) the milligrams per milliliter of nicotine in each product or~~
36 ~~device the manufacturer produces; and~~
37 ~~— (2) the milliliters of each product or device sold that current~~
38 ~~year.~~
39 ~~A report under this subsection is confidential, and the ATC may not~~
40 ~~disclose it to another person.~~
41 ~~— (m) A manufacturer is not required to submit a report described in~~
42 ~~subsection (k) if the manufacturer submits to the commission a~~

SB 144—LS 6335/DI 107



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1 certification, by October 1 of each year, that each of the manufacturer's
 2 vapor products ~~devices~~ sold in Indiana has been filed with the federal
 3 Food and Drug Administration.

4 ~~SECTION 7~~ [for tobacco cessation.

5 SECTION 3. IC 7.1-7-6-5, AS AMENDED BY
 6 ~~P.L.49-2020~~ [ESB 185-2026], SECTION ~~20~~ [36], IS AMENDED
 7 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. A
 8 person who knowingly or intentionally makes a delivery sale of an
 9 e-liquid[,] [an e-liquid product,] or a vapor device to an individual who
 10 is less than twenty-one (21) years of age commits a ~~Class C~~ Class B
 11]infraction.

12 SECTION ~~8~~ [4.IC 7.1-5-7-8]. [1 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2026]: Sec. 8.1. (a) It is a Class B
 15 misdemeanor for a person to recklessly, knowingly, or
 16 intentionally:

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

22 a product or substance containing THC to a minor.

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

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

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

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

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

- 41 (1) at least eighteen (18) years of age; and
- 42 (2) less than twenty-one (21) years of age;

SB 144—LS 6335/DI 107



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1 to receive or purchase alcoholic beverages or THC as part of an
2 enforcement action under this article.

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

6 (1) occur under the direction of an enforcement officer vested
7 with full police powers and duties; and

8 (2) be a part of the enforcement action.

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

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

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

23 (b) A person who knowingly:

24 (1) sells or distributes a tobacco product **or a vapor device** to a
25 person less than twenty-one (21) years of age; or

26 (2) purchases a tobacco product **or a vapor device** for delivery
27 to another person who is less than twenty-one (21) years of age;

28 commits a ~~Class C~~ **Class B** infraction. For a sale to take place under
29 this section, the buyer must pay the seller for the tobacco product **or**
30 **vapor device**.

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

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

37 (1) The buyer or recipient produced a driver's license bearing the
38 purchaser's or recipient's photograph, showing that the purchaser
39 or recipient was of legal age to make the purchase.

40 (2) The buyer or recipient produced a photographic identification
41 card issued under IC 9-24-16-1, or a similar card issued under
42 the laws of another state or the federal government, showing that

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1 the purchaser or recipient was of legal age to make the purchase.
 2 (3) The appearance of the purchaser or recipient was such that
 3 an ordinary prudent person would believe that the purchaser or
 4 recipient was not less than thirty (30) years of age.

5 (e) It is a defense that the accused person sold or delivered the
 6 tobacco product **or vapor device** to a person who acted in the ordinary
 7 course of employment or a business concerning tobacco products **or**
 8 **vapor devices** including the following activities:

- 9 (1) Agriculture.
 10 (2) Processing.
 11 (3) Transporting.
 12 (4) Wholesaling.
 13 (5) Retailing.

14 (f) As used in this section, "distribute" means to give a tobacco
 15 product **or a vapor device** to another person as a means of promoting,
 16 advertising, or marketing the tobacco product **or vapor device** to the
 17 general public.

18 (g) Unless the person buys or receives a tobacco product **or a**
 19 **vapor device** under the direction of a law enforcement officer as part
 20 of an enforcement action, a person who sells or distributes a tobacco
 21 product **or a vapor device** is not liable for a violation of this section
 22 unless the person less than twenty-one (21) years of age who bought or
 23 received the tobacco product **or vapor device** is issued a citation or
 24 summons under section 10.5 of this chapter.

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

28 SECTION ~~10~~[9]. IC 35-46-1-10.5, AS AMENDED BY
 29 P.L.163-2025, SECTION 64, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.5. (a) A person less
 31 than twenty-one (21) years of age who:

- 32 (1) purchases a tobacco product **or vapor device**;
 33 (2) accepts a tobacco product **or vapor device** for personal use;
 34 or
 35 (3) possesses a tobacco product **or vapor device** on the person's
 36 person;
 37 commits a Class C infraction.

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

- 41 (1) Agriculture.
 42 (2) Processing.

SB 144—LS 6335/DI 107



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1 (3) Transporting.
 2 (4) Wholesaling.
 3 (5) Retailing.
 4 (c) A person less than twenty-one (21) years of age who has in the
 5 person's possession false or fraudulent evidence of majority or identity
 6 with the intent to purchase a tobacco product **or vapor device** commits
 7 a Class C infraction. [
 8 SECTION 10. 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]

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SB 144—LS 6335/DI 107



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