

PROPOSED AMENDMENT

SB 250 # 6

DIGEST

E-Liquids. 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.

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- 1 Page 5, between lines 24 and 25, begin a new paragraph and insert:
2 "SECTION 11. IC 7.1-7-1-1, AS AMENDED BY P.L.206-2017,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), this
5 article applies to the following:
6 (1) The commercial manufacturing, bottling, selling, bartering, or
7 importing of e-liquid in Indiana.
8 (2) The sale, possession, and use of e-liquid products in Indiana.
9 (b) This article does not apply to a manufacturer of a closed system
10 vapor ~~product~~; **device**, except as specifically provided in this article.
11 SECTION 12. IC 7.1-7-2-10, AS AMENDED BY P.L.206-2017,
12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 10. "E-liquid" means a substance that:
14 (1) may or may not contain nicotine; and
15 (2) is intended to be vaporized and inhaled using a vapor ~~product~~.
16 **device**.
17 SECTION 13. IC 7.1-7-2-12, AS AMENDED BY P.L.206-2017,
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 12. "Flavoring" means a food grade additive or
20 synthetic flavoring substance that is used to add flavor and that is not
21 prohibited by the federal Food and Drug Administration as an additive
22 in vapor ~~products~~; **devices**.

1 SECTION 14. IC 7.1-7-2-15.5, AS ADDED BY P.L.206-2017,
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 15.5. "Manufacturer of a closed system vapor
 4 ~~product~~ **device**" means a manufacturer of vapor ~~products~~ **devices**
 5 whose closed system vapor ~~products~~ **devices** are for sale in Indiana, but
 6 that does not produce open system vapor ~~products~~ **devices** that are for
 7 sale in Indiana.

8 SECTION 15. IC 7.1-7-2-23, AS AMENDED BY P.L.206-2017,
 9 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 23. "Vapor ~~product~~ **device**" means a powered
 11 vaporizer that converts e-liquid to a vapor intended for inhalation."

12 Page 5, between lines 28 and 29, begin a new paragraph and insert:

13 "SECTION 17. IC 7.1-7-5-1.1, AS AMENDED BY P.L.220-2023,
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 1.1. (a) A retailer must have a valid sales
 16 certificate issued by the commission in accordance with
 17 IC 7.1-3-18.5-1 that contains a separate box to check for identifying a
 18 retailer that sells e-liquids.

19 (b) A retailer may purchase e-liquid only from an Indiana e-liquid
 20 manufacturing permit holder or an Indiana distributor permit holder.

21 (c) A retailer shall retain all invoices for e-liquid that the retailer
 22 purchases for two (2) years.

23 (d) A retailer shall not allow the self-service sale for individuals
 24 purchasing an e-liquid.

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

27 (f) A manufacturer must have an e-liquid manufacturing permit
 28 issued under IC 7.1-7-4.

29 (g) A distributor that does not have a valid e-liquid manufacturing
 30 permit issued under IC 7.1-7-4 must have a valid distributor's license
 31 issued under IC 6-7-2-8.

32 (h) A distributor shall purchase and distribute e-liquid from an:

33 (1) Indiana e-liquid manufacturer that has a valid e-liquid
 34 manufacturing permit under IC 7.1-7-4; or

35 (2) Indiana e-liquid distributor that has a valid:

36 (A) e-liquid manufacturing permit issued under IC 7.1-7-4; or

37 (B) distributor's license under IC 6-7-2-8.

38 (i) A distributor shall retain all invoices to a retailer or from a
 39 manufacturer for at least two (2) years.

40 (j) A manufacturer, distributor, or retailer may not market e-liquid

1 as a modified risk tobacco product, as defined by IC 7.1-7-2-17.5, that
 2 has not been designated as a modified risk tobacco product by the
 3 federal Food and Drug Administration.

4 (k) Except as provided in subsection (m), a manufacturer, including
 5 a manufacturer of a closed system vapor ~~product~~, **device**, shall annually
 6 submit a report to the commission setting forth:

7 (1) each new product **or device** that the manufacturer is
 8 producing and is sold in Indiana with a list of the contents and
 9 ingredients by volume; and

10 (2) whether the manufacturer has stopped producing products **or**
 11 **devices** previously produced and sold in Indiana.

12 A report under this subsection is confidential, and the commission may
 13 not disclose it to another person.

14 (l) A manufacturer shall annually submit a report to the commission
 15 setting forth:

16 (1) the milligrams per milliliter of nicotine in each product **or**
 17 **device** the manufacturer produces; and

18 (2) the milliliters of each product **or device** sold that current year.

19 A report under this subsection is confidential, and the ATC may not
 20 disclose it to another person.

21 (m) A manufacturer is not required to submit a report described in
 22 subsection (k) if the manufacturer submits to the commission a
 23 certification, by October 1 of each year, that each of the manufacturer's
 24 vapor ~~products~~ **devices** sold in Indiana has been filed with the federal
 25 Food and Drug Administration.

26 SECTION 18. IC 7.1-7-6-5, AS AMENDED BY P.L.49-2020,
 27 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes
 29 a delivery sale of an e-liquid **or a vapor device** to an individual who
 30 is less than twenty-one (21) years of age commits a ~~Class C~~ **Class B**
 31 infraction."

32 Page 61, between lines 41 and 42, begin a new paragraph and insert:

33 "SECTION 68. IC 35-31.5-2-345.4 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: **Sec. 345.4. "Vapor device" means a**
 36 **powered vaporizer that converts e-liquid to a vapor intended for**
 37 **inhalation.**

38 SECTION 69. IC 35-46-1-10, AS AMENDED BY P.L.163-2025,
 39 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 10. (a) A person may not be charged with a

1 violation under this section and a violation under IC 7.1-7-6-5.

2 (b) A person who knowingly:

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

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

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

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

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

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

19 (2) The buyer or recipient produced a photographic identification
20 card issued under IC 9-24-16-1, or a similar card issued under the
21 laws of another state or the federal government, showing that the
22 purchaser or recipient was of legal age to make the purchase.

23 (3) The appearance of the purchaser or recipient was such that an
24 ordinary prudent person would believe that the purchaser or
25 recipient was not less than thirty (30) years of age.

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

30 (1) Agriculture.

31 (2) Processing.

32 (3) Transporting.

33 (4) Wholesaling.

34 (5) Retailing.

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

39 (g) Unless the person buys or receives a tobacco product **or a vapor**

1 **device** under the direction of a law enforcement officer as part of an
 2 enforcement action, a person who sells or distributes a tobacco product
 3 **or a vapor device** is not liable for a violation of this section unless the
 4 person less than twenty-one (21) years of age who bought or received
 5 the tobacco product **or vapor device** is issued a citation or summons
 6 under section 10.5 of this chapter.

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

10 SECTION 70. IC 35-46-1-10.5, AS AMENDED BY P.L.163-2025,
 11 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 10.5. (a) A person less than twenty-one (21) years
 13 of age who:

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

19 commits a Class C infraction.

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

- 23 (1) Agriculture.
- 24 (2) Processing.
- 25 (3) Transporting.
- 26 (4) Wholesaling.
- 27 (5) Retailing.

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

32 Renumber all SECTIONS consecutively.

(Reference is to SB 250 as printed January 23, 2026.)