HOUSE BILL No. 1214

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-1-3-47.5; IC 7.1-6-1-3; IC 7.1-7-5-1.1.

Synopsis: Tobacco and e-liquids. Modifies the definition of "tobacco product" to include a product that contains nicotine and is not approved by the federal Food and Drug Administration for tobacco cessation. Provides that an e-liquid distributor shall purchase and distribute e-liquid from an Indiana e-liquid manufacturer or Indiana e-liquid distributor.

Effective: July 1, 2023.

Manning

January 10, 2023, read first time and referred to Committee on Public Policy.

Introduced

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1214

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 7.1-1-3-47.5, AS AMENDED BY P.L.60-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 47.5. (a) "Tobacco product", except as provided in subsection (b), has the meaning set forth in IC 7.1-6-1-3.

(b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a product that:

(1) contains tobacco **or nicotine,** including e-liquid (as defined by IC 7.1-7-2-10) that contains nicotine; ~~and~~

(2) is intended for human consumption; **and**

(3) is not approved by the federal Food and Drug Administration for tobacco cessation.

SECTION 2. IC 7.1-6-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. "Tobacco product" means a product that:

(1) contains tobacco **or nicotine;** ~~and~~

(2) is intended for human consumption; **and**

(3) is not approved by the federal Food and Drug

Administration for tobacco cessation.

SECTION 3. IC 7.1-7-5-1.1, AS ADDED BY P.L.206-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.1. (a) A retailer must have a valid sales certificate issued by the commission in accordance with IC 7.1-3-18.5-1 that contains a separate box to check for identifying a retailer that sells e-liquids.

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

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

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

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

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

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

(h) A distributor shall purchase and distribute e-liquid from an Indiana e-liquid manufacturer or Indiana e-liquid distributor.

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

~~(i)~~ **(j)** A manufacturer, distributor, or retailer may not market e-liquid as a modified risk tobacco product, as defined by IC 7.1-7-2-17.5, that has not been designated as a modified risk tobacco product by the federal Food and Drug Administration.

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

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

(2) whether the manufacturer has stopped producing products previously produced and sold in Indiana.

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

~~(k)~~ **(l)** A manufacturer shall annually submit a report to the commission setting forth:

(1) the milligrams per milliliter of nicotine in each product the manufacturer produces; and

(2) the milliliters of each product sold that current year.

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

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