

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.

SENATE ENROLLED ACT No. 144

AN ACT to amend the Indiana Code concerning criminal law and procedure.

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.163-2025, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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) **and e-liquid products (as defined by IC 7.1-7-2-10.5);**
- (2) is intended for human consumption; and
- (3) is not approved by the federal Food and Drug Administration for tobacco cessation.

SECTION 2. IC 7.1-7-6-5, AS AMENDED BY ESB 185-2026, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes a delivery sale of an e-liquid, **an** e-liquid product, or a vapor device to an individual who is less than twenty-one (21) years of age commits a ~~Class C~~ **Class B** infraction.

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



the meaning set forth in IC 35-46-1-1.4.

SECTION 4. IC 35-31.5-2-345.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 345.4. "Vapor device" means a powered vaporizer that converts e-liquid to a vapor intended for inhalation.**

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

(b) A person who knowingly:

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

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

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

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

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

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

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

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

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

(1) Agriculture.

(2) Processing.

(3) Transporting.

(4) Wholesaling.



(5) Retailing.

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

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

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

SECTION 6. IC 35-46-1-10.5, AS AMENDED BY P.L.163-2025, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.5. (a) A person less than twenty-one (21) years of age who:

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

commits a Class C infraction.

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

- (1) Agriculture.
- (2) Processing.
- (3) Transporting.
- (4) Wholesaling.
- (5) Retailing.

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

SECTION 7. IC 35-46-1-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 11.1. (a) A person may not advertise an e-liquid or a vapor product (as defined in IC 7.1-7-2-23), by any medium, within one thousand (1,000) feet of**



school property (as defined in IC 35-31.5-2-285).

(b) A person who violates this section commits a Class C infraction. However, the violation is a Class C misdemeanor if the person has a prior unrelated judgment for violating this section.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

