



January 24, 2023

HOUSE BILL No. 1214

DIGEST OF HB 1214 (Updated January 24, 2023 12:13 pm - DI 107)

Citations Affected: IC 7.1-1; IC 7.1-6; IC 7.1-7.

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: (1) Indiana e-liquid manufacturer that has a valid e-liquid manufacturing permit; or (2) Indiana e-liquid distributor that has a valid e-liquid manufacturing permit or a valid tobacco distributor's license.

Effective: July 1, 2023.

Manning

January 10, 2023, read first time and referred to Committee on Public Policy.
January 24, 2023, amended, reported — Do Pass.

HB 1214—LS 6977/DI 107



January 24, 2023

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:

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

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

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

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

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

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

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

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

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

HB 1214—LS 6977/DI 107



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:

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

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

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

or

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

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

~~(j)~~ (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 ~~(h)~~, (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



1 not disclose it to another person.
2 ~~(k)~~ **(l)** A manufacturer shall annually submit a report to the
3 commission setting forth:
4 (1) the milligrams per milliliter of nicotine in each product the
5 manufacturer produces; and
6 (2) the milliliters of each product sold that current year.
7 A report under this subsection is confidential, and the ATC may not
8 disclose it to another person.
9 ~~(j)~~ **(m)** A manufacturer is not required to submit a report described
10 in subsection ~~(j)~~ **(k)** if the manufacturer submits to the commission a
11 certification, by October 1 of each year, that each of the manufacturer's
12 vapor products sold in Indiana has been filed with the federal Food and
13 Drug Administration.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, after "from an" insert ":

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

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

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

or

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

Page 2, delete line 22.

and when so amended that said bill do pass.

(Reference is to HB 1214 as introduced.)

MANNING

Committee Vote: yeas 11, nays 0.

