

E-liquid Manufacturing FAQ

1. Do I need to apply as a manufacturer in Indiana if I am manufacturing outside of Indiana?

Any company that manufactures e-liquid for distribution and sale in Indiana must obtain a permit from the Indiana Alcohol and Tobacco Commission to manufacture e-liquid. (See IC 7.1-7-2-15)

2. When do I need a retail merchant certificate from the Indiana Department of Revenue?

A retail merchant certificate from the Indiana Department of Revenue is required if you are selling to consumers. It is not required if you are only manufacturing or distributing e-liquid.

3. Does the required scannable code need to be on the bottle of e-liquid or can it be on external packaging?

The scannable code must be on the bottle so it can be accessible to consumers.

4. When do I have to stop selling, distributing, or manufacturing product in Indiana that was not manufactured in compliance with IC 7.1-7?

Retailer:

A retailer that was open prior to July 1, 2015:

- Product manufactured prior to July 1, 2015 must be removed by July 1, 2016.
- It has been brought to the attention of the ATC that there are two reasonable and conflicting interpretations to IC 7.1-7-5-1 regarding e-liquids manufactured and/or distributed between July 1, 2015 and July 1, 2016. The ATC has concluded that the General Assembly, in enacting Public Law 176, intended a bright-line removal date for product not manufactured in compliance with this article of July 1, 2016. In order to be in compliance with this law, all product that has not been produced by a permitted manufacturer should be removed from distribution after July 1, 2016.
- Product manufactured after July 1, 2016 shall only be sold by a retailer if it was manufactured in compliance with IC 7.1-7.

Distributor:

Distributor that distributed e-liquid in Indiana before July 1, 2015:

- Product manufactured prior to July 1, 2015 shall not be distributed in Indiana after June 30, 2016.
- It has been brought to the attention of the ATC that there are two reasonable and conflicting interpretations to IC 7.1-7-5-1 regarding e-liquids manufactured and/or distributed between July 1, 2015 and July 1, 2016. The ATC has concluded that the

General Assembly, in enacting Public Law 176, intended a bright-line removal date for product not manufactured in compliance with this article of July 1, 2016. In order to be in compliance with this law, all product that has not been produced by a permitted manufacturer should be removed from distribution after July 1, 2016.

- Product manufactured after July 1, 2016 shall only be distributed by a distributor if it was manufactured in compliance with IC 7.1-7.

Manufacturer:

Manufacturer that manufactured e-liquid in Indiana or for distribution or sale in Indiana before July 1, 2015:

- Product manufactured prior to July 1, 2015 shall not be distributed or sold in Indiana after June 30, 2016.
- It has been brought to the attention of the ATC that there are two reasonable and conflicting interpretations to IC 7.1-7-5-1 regarding e-liquids manufactured and/or distributed between July 1, 2015 and July 1, 2016. The ATC has concluded that the General Assembly, in enacting Public Law 176, intended a bright-line removal date for product not manufactured in compliance with this article of July 1, 2016. In order to be in compliance with this law, all product that has not been produced by a permitted manufacturer should be removed from distribution after July 1, 2016.
- Product manufactured after July 1, 2016 in Indiana or for distribution or sale in Indiana must be manufactured in compliance with IC 7.1-7.

5. What are the video recording requirements for an e-liquid manufacturer?

IC 7.1-7-4-6 requires that “[t]he manufacturer’s facility...be subject to twenty-four (24) hour video recording where e-liquid is mixed, bottled, packaged, and stored. The video recordings must be retained for at least thirty (30) days.” The statute does not require twenty-four (24) hour monitoring of the video recording.