



STATE OF INDIANA

ALCOHOL AND TOBACCO COMMISSION

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NOTICE OF NEW LAWS CONCERNING SELLING, DISTRIBUTING, AND MANUFACTURING ELECTRONIC CIGARETTES, VAPOR PENS, AND/OR E-LIQUIDS

Please be advised that the Indiana Legislature has passed a new law requiring each retail location that sells electronic cigarettes to obtain a tobacco sales certificate. For more information, see http://in.gov/atc/files/e_cigs_sales_cert_and_18_notice.pdf.

Senate Enrolled Act 463 (Public Law 213-2015) requires that a person may not manufacture, sell, or distribute:

- (1) A liquid or gel substance containing nicotine; or
- (2) A liquid nicotine container;

unless the product is contained in child resistant packaging. The full text of SB463, including definitions and exceptions, can be found at

<http://iga.in.gov/legislative/2015/bills/senate/463#document-42ebf67e>.

House Enrolled Act 1432 (Public Law 176-2015) requires manufacturers and distributors of electronic cigarettes to obtain a permit by July 1, 2016. Prior to December 21, 2015, the Indiana Alcohol and Tobacco Commission shall adopt rules to implement the provisions of Public Law 176-2015. This rulemaking will happen late summer or early fall of 2015. The application for a permit will be available during or after that process.

If you would like to receive e-mail update notifications of when the proposed rules are available for public comment and when the application is available, please send a request with your contact information to ATC-Rules@atc.in.gov.

Signage requirements for the retail sale of electronic cigarettes can be found in Indiana Code 35-46-1-11 (<http://iga.in.gov/legislative/laws/2014/ic/titles/035/>). Samples of signs can be found on the ATC website at <http://in.gov/atc/2476.htm>.

Electronic cigarettes and vapor pens are not currently included in the prohibition on smoking in public places in Indiana. Whether e-cigarettes should be defined as tobacco products and subject to the smoking ban is assigned to the Interim Study Committee on Public Policy.

If you have additional questions, please send them to ATC-Rules@atc.in.gov.