

# SENATE BILL No. 322

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-18.5; IC 7.1-6-2-4; IC 7.1-7; IC 24-3-5; IC 35-46-1.

**Synopsis:** Sale of tobacco products. Prohibits a person from selling tobacco, an e-liquid, or an electronic cigarette to an individual born after June 30, 2004.

**Effective:** July 1, 2025.

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## Charbonneau

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January 13, 2025, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

# SENATE BILL No. 322



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 7.1-3-18.5-5, AS AMENDED BY P.L.49-2020,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]: Sec. 5. (a) Subject to subsection (b), the commission  
4 may suspend the certificate of a person who fails to pay a civil penalty  
5 imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11,  
6 IC 35-46-1-11.2, IC 35-46-1-11.4, IC 35-46-1-11.5, IC 35-46-1-11.7,  
7 or IC 35-46-1-11.8.  
8 (b) Before enforcing the imposition of a civil penalty or suspending  
9 or revoking a certificate under this chapter, the commission shall  
10 provide written notice of the alleged violation to the certificate holder  
11 and conduct a hearing. The commission shall provide written notice of  
12 the civil penalty or suspension or revocation of a certificate to the  
13 certificate holder.  
14 (c) Subject to subsection (b), the commission shall revoke the  
15 certificate of a person upon a finding by a preponderance of the  
16 evidence that the person:  
17 (1) has violated IC 35-45-5-3, IC 35-45-5-3.5, IC 35-45-5-4,



- 1 IC 35-46-1-11, IC 35-46-1-11.2, IC 35-46-1-11.4, or  
 2 IC 35-46-1-11.8;  
 3 (2) has committed habitual illegal sale of tobacco as established  
 4 under ~~IC 35-46-1-10.2(j)~~; **IC 35-46-1-10.2(i)**; or  
 5 (3) has committed habitual illegal entrance by a minor as  
 6 established under IC 35-46-1-11.7(f).

7 SECTION 2. IC 7.1-3-18.5-8, AS AMENDED BY P.L.49-2020,  
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2025]: Sec. 8. The commission may mitigate civil penalties  
 10 imposed against a certificate holder for violating IC 35-46-1-10,  
 11 IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, IC 35-46-1-11.4,  
 12 IC 35-46-1-11.5, IC 35-46-1-11.7, IC 35-46-1-11.8, or any of the  
 13 provisions of this chapter if a certificate holder provides a training  
 14 program for the certificate holder's employees that includes at least the  
 15 following topics:

- 16 (1) Laws governing the sale of tobacco products and electronic  
 17 cigarettes.  
 18 (2) Methods of recognizing and handling customers who **are less**  
 19 **than twenty-one (21) years of age: were born after June 30,**  
 20 **2004.**  
 21 (3) Procedures for proper examination of identification cards to  
 22 verify that customers **are under twenty-one (21) years of age:**  
 23 **were born after June 30, 2004.**

24 SECTION 3. IC 7.1-6-2-4, AS AMENDED BY P.L.49-2020,  
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2025]: Sec. 4. (a) An enforcement officer vested with full  
 27 police powers and duties may engage a person **less than twenty-one**  
 28 **(21) years of age born after June 30, 2004**, as part of an enforcement  
 29 action under this article if the initial or contemporaneous receipt or  
 30 purchase of a tobacco product, e-liquid, or electronic cigarette by a  
 31 person **less than twenty-one (21) years of age born after June 30,**  
 32 **2004**, occurs under the direction of an enforcement officer vested with  
 33 full police powers and duties and is part of the enforcement action.

34 (b) An enforcement officer vested with full police powers and duties  
 35 shall not:

- 36 (1) recruit or attempt to recruit a person **less than twenty-one (21)**  
 37 **years of age born after June 30, 2004**, to participate in an  
 38 enforcement action under subsection (a) at the scene of a violation  
 39 of section 2 of this chapter; or  
 40 (2) **if a person is a minor**, allow a person **less than twenty-one**  
 41 **(21) years of age born after June 30, 2004**, to purchase or  
 42 receive a tobacco product, e-liquid, or electronic cigarette as part



1 of an enforcement action under subsection (a) without the written  
2 permission of the person's parents or legal guardians.

3 SECTION 4. IC 7.1-7-5.5-1, AS AMENDED BY P.L.49-2020,  
4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2025]: Sec. 1. A retailer may not make a delivery sale of  
6 e-liquid to an individual who ~~does not meet the minimum age~~  
7 ~~requirement as set forth in IC 7.1-7-6-5.~~ **was born after June 30,**  
8 **2004.**

9 SECTION 5. IC 7.1-7-5.5-5, AS AMENDED BY P.L.49-2020,  
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2025]: Sec. 5. A retailer who ships an e-liquid from a delivery  
12 sale order shall include as part of the shipping documents a document  
13 with the following statement: "E-LIQUIDS: Indiana law prohibits the  
14 sale of this product to a person ~~who is less than 21 years of age.~~" **born**  
15 **after June 30, 2004."**

16 SECTION 6. IC 7.1-7-6-2.1, AS ADDED BY P.L.49-2020,  
17 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2025]: Sec. 2.1. A person who sells or distributes an e-liquid  
19 to a person ~~less than twenty-one (21) years of age~~ **born after June 30,**  
20 **2004,** may be in violation of IC 35-46-1.

21 SECTION 7. IC 7.1-7-6-5, AS AMENDED BY P.L.49-2020,  
22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2025]: Sec. 5. A person who knowingly or intentionally makes  
24 a delivery sale of an e-liquid to an individual who ~~is less than~~  
25 ~~twenty-one (21) years of age~~ **was born after June 30, 2004,** commits  
26 a Class C infraction.

27 SECTION 8. IC 24-3-5-5, AS AMENDED BY P.L.111-2021,  
28 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2025]: Sec. 5. (a) A merchant who mails or ships cigarettes as  
30 part of a delivery sale shall:

31 (1) use a mailing or shipping service that requires the customer or  
32 a person ~~at least twenty-one (21) years of age~~ **born before July**  
33 **1, 2004,** who is designated by the customer to:

34 (A) sign to accept delivery of the cigarettes; and

35 (B) present a valid driver's license issued under IC 9-24-3 or  
36 an identification card issued under IC 9-24-16 if the customer  
37 or the customer's designee, in the opinion of the delivery agent  
38 or employee of the mailing or shipping service, appears to be  
39 ~~less than thirty (30) years of age;~~ **born after June 30, 2004;**

40 (2) provide to the mailing or shipping service used under  
41 subdivision (1) proof of compliance with section 6(a) of this  
42 chapter; and



1 (3) include the following statement in bold type or capital letters  
2 on an invoice or shipping document:

3 INDIANA LAW PROHIBITS THE MAILING OR SHIPPING  
4 OF CIGARETTES TO A PERSON ~~LESS THAN~~  
5 ~~TWENTY-ONE (21) YEARS OF AGE~~ **BORN AFTER**  
6 **JUNE 30, 2004**, AND REQUIRES PAYMENT OF ALL  
7 APPLICABLE TAXES.

8 (b) The commission may impose a civil penalty of not more than  
9 one thousand dollars (\$1,000) if a mailing or shipping service:

10 (1) delivers cigarettes as part of a delivery sale without first  
11 receiving proof from the merchant of compliance with section  
12 6(a) of this chapter; or

13 (2) fails to obtain a signature and proof of identification of the  
14 customer or the customer's designee under subsection (a)(1).

15 The commission shall deposit amounts collected under this subsection  
16 into the Richard D. Doyle youth tobacco education and enforcement  
17 fund established by IC 7.1-6-2-6.

18 (c) The following apply to a merchant that mails or ships cigarettes  
19 as part of a delivery sale without using a third party service as required  
20 by subsection (a)(1):

21 (1) The merchant shall require the customer or a person **at least**  
22 ~~twenty-one (21) years of age~~ **born before July 1, 2004**, who is  
23 designated by the customer to:

24 (A) sign to accept delivery of the cigarettes; and

25 (B) present a valid driver's license issued under IC 9-24-3 or  
26 identification card issued under IC 9-24-16 if the customer or  
27 the customer's designee, in the opinion of the merchant or the  
28 merchant's employee making the delivery, appears to be ~~less~~  
29 ~~than thirty (30) years of age.~~ **born after June 30, 2004.**

30 (2) The commission may impose a civil penalty of not more than  
31 one thousand dollars (\$1,000) if the merchant:

32 (A) delivers the cigarettes without first complying with section  
33 6(a) of this chapter; or

34 (B) fails to obtain a signature and proof of identification of the  
35 customer or the customer's designee under subdivision (1).

36 The commission shall deposit amounts collected under this  
37 subdivision into the Richard D. Doyle youth tobacco education  
38 and enforcement fund established by IC 7.1-6-2-6.

39 SECTION 9. IC 24-3-5-8, AS AMENDED BY P.L.49-2020,  
40 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2025]: Sec. 8. The commission may impose a civil penalty of  
42 not more one thousand dollars (\$1,000) on a:



1 (1) customer who signs another person's name to a statement  
2 required under section 4(1) of this chapter; or

3 (2) merchant who sells cigarettes by delivery sale to a person ~~less~~  
4 ~~than twenty-one (21) years of age; born after June 30, 2004.~~

5 The commission shall deposit amounts collected under this section into  
6 the Richard D. Doyle youth tobacco education and enforcement fund  
7 established by IC 7.1-6-2-6.

8 SECTION 10. IC 35-46-1-10, AS AMENDED BY P.L.32-2021,  
9 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2025]: Sec. 10. (a) A person may not be charged with a  
11 violation under this section and a violation under IC 7.1-7-6-5.

12 (b) A person who knowingly:

13 (1) sells or distributes tobacco, an e-liquid, or an electronic  
14 cigarette to a person ~~less than twenty-one (21) years of age; born~~  
15 ~~after June 30, 2004;~~ or

16 (2) purchases tobacco, an e-liquid, or an electronic cigarette for  
17 delivery to another person who is ~~less than twenty-one (21) years~~  
18 ~~of age; was born after June 30, 2004;~~

19 commits a Class C infraction. For a sale to take place under this  
20 section, the buyer must pay the seller for the tobacco, e-liquid, or  
21 electronic cigarette.

22 (c) It is not a defense that the person to whom the tobacco, e-liquid,  
23 or electronic cigarette was sold or distributed did not smoke, chew,  
24 inhale, or otherwise consume the tobacco, e-liquid, or electronic  
25 cigarette.

26 (d) The following defenses are available to a person accused of  
27 selling or distributing tobacco, an e-liquid, or an electronic cigarette to  
28 a person ~~who is less than twenty-one (21) years of age; born after~~  
29 ~~June 30, 2004:~~

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

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

37 (3) The appearance of the purchaser or recipient was such that an  
38 ordinary prudent person would believe that the purchaser or  
39 recipient was ~~not less than thirty (30) years of age; born before~~  
40 ~~July 1, 2004.~~

41 (e) It is a defense that the accused person sold or delivered the  
42 tobacco, e-liquid, or electronic cigarette to a person who acted in the



1 ordinary course of employment or a business concerning tobacco, an  
2 e-liquid, or electronic cigarettes including the following activities:

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

8 (f) As used in this section, "distribute" means to give tobacco, an  
9 e-liquid, or an electronic cigarette to another person as a means of  
10 promoting, advertising, or marketing the tobacco, e-liquid, or electronic  
11 cigarette to the general public.

12 ~~(g) Unless the person buys or receives tobacco, an e-liquid, or an~~  
13 ~~electronic cigarette under the direction of a law enforcement officer as~~  
14 ~~part of an enforcement action, a person who sells or distributes tobacco,~~  
15 ~~an e-liquid, or an electronic cigarette is not liable for a violation of this~~  
16 ~~section unless the person less than twenty-one (21) years of age who~~  
17 ~~bought or received the tobacco, e-liquid, or electronic cigarette is~~  
18 ~~issued a citation or summons under section 10.5 of this chapter.~~

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

22 SECTION 11. IC 35-46-1-10.2, AS AMENDED BY P.L.32-2021,  
23 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2025]: Sec. 10.2. (a) A person may not be charged with a  
25 violation under this section and a violation under IC 7.1-7-6-5.

26 (b) A retail establishment that sells or distributes tobacco, an  
27 e-liquid, or an electronic cigarette to a person ~~less than twenty-one (21)~~  
28 ~~years of age born after June 30, 2004~~, commits a Class C infraction.  
29 For a sale to take place under this section, the buyer must pay the retail  
30 establishment for the tobacco, e-liquid, or electronic cigarette.

31 (c) Notwithstanding IC 34-28-5-4(c), a civil judgment for an  
32 infraction committed under this section must be imposed as follows:

- 33 (1) If the retail establishment at that specific business location has  
34 not been issued a citation or summons for a violation of this  
35 section in the previous one (1) year, a civil penalty of up to four  
36 hundred dollars (\$400).  
37 (2) If the retail establishment at that specific business location has  
38 had one (1) citation or summons issued for a violation of this  
39 section in the previous one (1) year, a civil penalty of up to eight  
40 hundred dollars (\$800).  
41 (3) If the retail establishment at that specific business location has  
42 had two (2) citations or summonses issued for a violation of this



1 section in the previous one (1) year, a civil penalty of up to one  
2 thousand four hundred dollars (\$1,400).

3 (4) If the retail establishment at that specific business location has  
4 had three (3) or more citations or summonses issued for a  
5 violation of this section in the previous one (1) year, a civil  
6 penalty of up to two thousand dollars (\$2,000).

7 A retail establishment may not be issued a citation or summons for a  
8 violation of this section more than once every twenty-four (24) hours  
9 for each specific business location.

10 (d) It is not a defense that the person to whom the tobacco, e-liquid,  
11 or electronic cigarette was sold or distributed did not smoke, chew,  
12 inhale, or otherwise consume the tobacco, e-liquid, or electronic  
13 cigarette.

14 (e) The following defenses are available to a retail establishment  
15 accused of selling or distributing tobacco, an e-liquid, or an electronic  
16 cigarette to a person ~~who is less than twenty-one (21) years of age:~~  
17 **born after June 30, 2004:**

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

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

25 (3) The appearance of the purchaser or recipient was such that an  
26 ordinary prudent person would believe that the purchaser or  
27 recipient was ~~not less than thirty (30) years of age:~~ **born before**  
28 **July 1, 2004.**

29 (f) It is a defense that the accused retail establishment sold or  
30 delivered the tobacco, e-liquid, or electronic cigarette to a person who  
31 acted in the ordinary course of employment or a business concerning  
32 tobacco, an e-liquid, or electronic cigarettes for the following activities:

33 (1) Agriculture.

34 (2) Processing.

35 (3) Transporting.

36 (4) Wholesaling.

37 (5) Retailing.

38 (g) As used in this section, "distribute" means to give tobacco, an  
39 e-liquid, or an electronic cigarette to another person as a means of  
40 promoting, advertising, or marketing the tobacco or electronic cigarette  
41 to the general public.

42 ~~(h) Unless a person buys or receives tobacco, an e-liquid, or an~~





1 electronic cigarette under the direction of a law enforcement officer as  
 2 part of an enforcement action; a retail establishment that sells or  
 3 distributes tobacco, an e-liquid, or an electronic cigarette is not liable  
 4 for a violation of this section unless the person less than twenty-one  
 5 (21) years of age, who bought or received the tobacco, e-liquid, or  
 6 electronic cigarette is issued a citation or summons under section 10.5  
 7 of this chapter:

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

11 (j) (i) A person who violates subsection (b) at least six (6) times in  
 12 any one (1) year commits habitual illegal sale of tobacco, a Class B  
 13 infraction.

14 SECTION 12. IC 35-46-1-11, AS AMENDED BY P.L.56-2023,  
 15 SECTION 323, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) A tobacco or electronic  
 17 cigarette vending machine that is located in a public place must bear  
 18 the following conspicuous notices:

19 (1) A notice:

20 (A) that reads as follows, with the capitalization indicated: "If  
 21 you are under 21 years of age, YOU ARE FORBIDDEN by  
 22 Indiana law to buy tobacco or electronic cigarettes from this  
 23 machine."; or

24 (B) that:

25 (i) conveys a message substantially similar to the message  
 26 described in clause (A); and

27 (ii) is formatted with words and in a form authorized under  
 28 the rules adopted by the alcohol and tobacco commission.

29 (2) A notice that reads as follows, "Smoking by Pregnant Women  
 30 May Result in Fetal Injury, Premature Birth, and Low Birth  
 31 Weight."

32 (3) A notice printed in letters and numbers at least one-half (1/2)  
 33 inch high that displays a toll free phone number for assistance to  
 34 callers in quitting smoking, as determined by the Indiana  
 35 department of health.

36 (b) A person who owns or has control over a tobacco or electronic  
 37 cigarette vending machine in a public place and who:

38 (1) fails to post a notice required by subsection (a) on the vending  
 39 machine; or

40 (2) fails to replace a notice within one (1) month after it is  
 41 removed or defaced;

42 commits a Class C infraction.



1 (c) An establishment selling tobacco or electronic cigarettes at retail  
2 shall post and maintain in a conspicuous place, at the point of sale, the  
3 following:

4 (1) Signs printed in letters at least one-half (1/2) inch high,  
5 reading as follows:

6 (A) "The sale of tobacco or electronic cigarettes to persons  
7 **under 21 years of age born after June 30, 2004**, is forbidden  
8 by Indiana law."

9 (B) "Smoking by Pregnant Women May Result in Fetal Injury,  
10 Premature Birth, and Low Birth Weight."

11 (2) A sign printed in letters and numbers at least one-half (1/2)  
12 inch high that displays a toll free phone number for assistance to  
13 callers in quitting smoking, as determined by the Indiana  
14 department of health.

15 (d) A person who:

16 (1) owns or has control over an establishment selling tobacco or  
17 electronic cigarettes at retail; and

18 (2) fails to post and maintain the sign required by subsection (c);  
19 commits a Class C infraction.

