



February 1, 2019

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## SENATE BILL No. 271

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DIGEST OF SB 271 (Updated January 30, 2019 3:15 pm - DI 106)

**Citations Affected:** IC 7.1-7.

**Synopsis:** E-liquid container labeling. Eliminates a state requirement that an e-liquid manufacturer or a closed system vapor product manufacturer include certain information on an e-liquid container. Removes a duplicative provision that requires the label of an e-liquid container to indicate if the product contains nicotine.

**Effective:** July 1, 2019.

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### Head

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January 7, 2019, read first time and referred to Committee on Public Policy.  
January 31, 2019, amended, reported favorably — Do Pass.

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SB 271—LS 6395/DI 87





February 1, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 271

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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 7.1-7-4-6, AS AMENDED BY P.L.206-2017,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 6. (a) As used in this section:  
4 (1) "adulterated" means a product that:  
5 (A) consists in whole or in part of any filthy, putrid, or  
6 decomposed substance; or  
7 (B) is contaminated by any added poisonous or added  
8 deleterious substance that may render the product injurious to  
9 health; and  
10 (2) "tamper evident package" means a package having at least one  
11 (1) indicator or barrier to entry that, if breached or missing, can  
12 reasonably be expected to provide visible evidence to consumers  
13 that tampering has occurred.  
14 (b) A manufacturing facility shall comply with the following  
15 requirements:  
16 (1) An e-liquid container must use a child proof cap that has the  
17 child resistant effectiveness set forth in the federal poison

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- 1 prevention packaging standards, 16 CFR 1700.15(b)(1).  
 2 (2) An e-liquid container must use a tamper evident package. The  
 3 tamper evident package feature must be designed to and remain  
 4 intact when handled in a reasonable manner during the  
 5 manufacture, distribution, and retail display of the e-liquid  
 6 container.  
 7 (3) The label on an e-liquid container must meet the nicotine  
 8 addictiveness warning statement requirements set forth in 21 CFR  
 9 1143.3.  
 10 ~~(4)~~ The label must include a separate designation if the product  
 11 contains nicotine.  
 12 ~~(5)~~ The label or container must include:  
 13 (A) an identifiable and trackable code;  
 14 ~~(B)~~ the manufacturing date;  
 15 ~~(C)~~ the Indiana e-liquid manufacturer permit number; and  
 16 ~~(D)~~ beginning May 31, 2018, and until specific rules are  
 17 adopted by the commission, the following statement if nicotine  
 18 is in the product: "WARNING: THIS PRODUCT CONTAINS  
 19 NICOTINE. NICOTINE IS AN ADDICTIVE CHEMICAL."  
 20 ~~(6)~~ (4) The manufacturer or retailer may not add an adulterated  
 21 product to any e-liquid produced for sale in Indiana.  
 22 ~~(7)~~ (5) The manufacturer must submit to random site visits by the  
 23 commission.  
 24 ~~(8)~~ (6) The manufacturer may:  
 25 (A) own and control both the e-liquid manufacturing process  
 26 and the bottling process; or  
 27 (B) subcontract with another manufacturer for the performance  
 28 of the e-liquid manufacturing service, the bottling services, or  
 29 both services.  
 30 However, both the manufacturer performing a service under  
 31 clause (B) and the manufacturer for which the service is  
 32 performed must meet the requirements of this article.  
 33 ~~(9)~~ (7) A manufacturer may use a flavoring, as defined by  
 34 IC 7.1-7-2-12, as an ingredient in an e-liquid.  
 35 ~~(10)~~ (8) The manufacturer or any person listed on the permit  
 36 application may not have been convicted within ten (10) years  
 37 before the date of application of:  
 38 (A) a federal crime having a sentence of at least one (1) year;  
 39 (B) an Indiana Class A, Class B, or Class C felony (for a crime  
 40 committed before July 1, 2014) or a Level 1, Level 2, Level 3,  
 41 Level 4, or Level 5 felony (for a crime committed after June  
 42 30, 2014);



1 (C) a crime in a state other than Indiana having a penalty equal  
2 to the penalty for an Indiana Class A, Class B, or Class C  
3 felony (for a crime committed before July 1, 2014) or a Level  
4 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime  
5 committed after June 30, 2014);  
6 (D) an Indiana Class D felony involving a controlled substance  
7 under IC 35-48-4 (for a crime committed before July 1, 2014)  
8 or a Level 6 felony involving a controlled substance under  
9 IC 35-48-4 (for a crime committed after June 30, 2014); or  
10 (E) a crime in a state other than Indiana similar to a Class D  
11 felony involving a controlled substance under IC 35-48-4 (for  
12 a crime committed before July 1, 2014) or a Level 6 felony  
13 involving a controlled substance under IC 35-48-4 (for a crime  
14 committed after June 30, 2014).  
15 (c) A manufacturer of a closed system vapor product must comply  
16 with subsection (b)(5)(A).



## COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 12, delete "(4)".

Page 2, line 12, strike "The label or container must".

Page 2, line 12, delete "include," and insert "~~include~~".

Page 2, line 16, strike "beginning May 31, 2018, and until specific rules are".

Page 2, strike lines 17 through 19.

Page 2, line 20, delete "(5)" and insert "**(4)**".

Page 2, line 22, delete "(6)" and insert "**(5)**".

Page 2, line 24, delete "(7)" and insert "**(6)**".

Page 2, line 33, delete "(8)" and insert "**(7)**".

Page 2, line 35, delete "(9)" and insert "**(8)**".

and when so amended that said bill do pass.

(Reference is to SB 271 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

