

IC 24-3-7

Chapter 7. Nicotine Liquid Container Packaging

IC 24-3-7-1

Application of chapter

Sec. 1. This chapter does not apply to any product that:

(1) has been approved or certified by the United States Food and Drug Administration for sale:

(A) as a tobacco cessation product;

(B) as a tobacco dependence product; or

(C) for another medical purpose; and

(2) is marketed and sold for an approved purpose referred to in subdivision (1)(A) through (1)(C).

As added by P.L.231-2015, SEC.13.

IC 24-3-7-2

"Child resistant packaging"

Sec. 2. As used in this chapter, "child resistant packaging" means packaging that:

(1) is designed or constructed so that it is significantly difficult for children less than five (5) years of age to:

(A) open the package; or

(B) obtain a toxic or harmful amount of substance from within the package;

within a reasonable time; but

(2) is not difficult for adults to use properly.

As added by P.L.231-2015, SEC.13.

IC 24-3-7-3

"Commission"

Sec. 3. As used in this chapter, "commission" refers to the alcohol and tobacco commission created by IC 7.1-2-1-1.

As added by P.L.231-2015, SEC.13.

IC 24-3-7-4

"Electronic cigarette"

Sec. 4. As used in this chapter, "electronic cigarette" means a device that is capable of providing an inhalable dose of nicotine by delivering a vaporized solution. The term includes the components and cartridges of an electronic cigarette.

As added by P.L.231-2015, SEC.13.

IC 24-3-7-5

"Electronic delivery device"

Sec. 5. (a) As used in this chapter, "electronic delivery device" means any product that:

(1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and

(2) can be used by a person to simulate smoking in the delivery of nicotine, lobelia, or any other substance through inhalation of vapor from the product.

(b) The term includes any component part of a product described in subsection (a), whether or not the component part is marketed or sold separately.

As added by P.L.231-2015, SEC.13.

IC 24-3-7-6

"Nicotine liquid container"

Sec. 6. (a) As used in this chapter, "nicotine liquid container" means a bottle or other container that:

- (1) contains a nicotine liquid or another substance containing nicotine; and
- (2) is sold, marketed, or intended for use with an electronic cigarette or other electronic delivery device.

(b) The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use with an electronic cigarette if the cartridge:

- (1) is prefilled and sealed by the manufacturer; and
- (2) is not intended to be opened by the consumer.

As added by P.L.231-2015, SEC.13.

IC 24-3-7-7

Liquid and gel nicotine substances required to be contained in child resistant packaging

Sec. 7. A person may not manufacture, sell, or distribute:

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

unless the product is contained in child resistant packaging.

As added by P.L.231-2015, SEC.13.

IC 24-3-7-8

Seizure of products; penalties

Sec. 8. (a) If the commission discovers any product sold or distributed in violation of this chapter, the commission may seize and take possession of the product. The commission shall destroy products seized under this subsection.

(b) The commission may impose a civil penalty on any person who sells or distributes a product in violation of this chapter. However, the civil penalty may not exceed the greater of:

- (1) five hundred percent (500%) of the retail value of the product sold or distributed in violation of this chapter; or
- (2) five thousand dollars (\$5,000).

As added by P.L.231-2015, SEC.13.