

Legal Age for Tobacco and E-Liquids Products Changes to 21 Years Old

by Julie M. Slavens, ISBA Senior Counsel | Dir. of Policy Services
(jslavens@isba-ind.org)

The 2020 Indiana General Assembly passed a law (SEA 1), which as of March 17, 2020, has not been signed by the Governor but there is no reason to believe the Governor will not sign this bill. The Act amends and adds statutes addressing the sale of tobacco products and e-liquid products, including e-cigarettes and vaping products. The Act is effective on July 1, 2020. The Act raises the legal age to 21 years of age for the purchase, acceptance, and possession of such products. Any person under the age of 21 who purchases, accepts, and/or possesses tobacco, an e-liquid, or an electronic cigarette commits a Class C infraction. The Act also amends the crimes for distribution or sale of such products to prohibit such actions to persons under the age of 21 years old and includes purchasing such products for delivery to a person under the age of 21 years old.

Given the changes made by SEA 1, after July 1, 2020, it will no longer be legal for seniors who are 18 years old to possess tobacco or e-liquid products or give such products to other students. While student discipline rules have banned such conduct for many years, all students, including those who are 18 or older, who violate such rules will now be violating state criminal laws and may be referred to law enforcement for such violations.

Additionally, the Act added a new statute making it a misdemeanor for a tobacco and vaping business to operate within 1000 feet of a public school building. The 1000 feet is measured from the nearest point of the tobacco and vaping business to the nearest point of the school building used for instructional purposes. The law grandfathers current tobacco and vaping businesses operating within 1000 feet of a public school. A tobacco and vaping business is defined as one in which the primary activity of the business is the sale of e-liquids, e-liquid accessories, electronic cigarettes, tobacco, tobacco products, and/or tobacco accessories, or a combination of the above-listed products. The amendments to the state law by SEA 1 aligns with the federal changes passed by Congress in December 2019, prohibiting the sale of tobacco products to persons less than 21 years of age.



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