

E-liquid Manufacturing FAQ

1. Do I need to apply as a manufacturer in Indiana if I am manufacturing outside of Indiana?

Any company that manufactures e-liquid for distribution and sale in Indiana must obtain a permit from the Indiana Alcohol and Tobacco Commission to manufacture e-liquid. (See IC 7.1-7-2-15)

2. When do I need a retail merchant certificate from the Indiana Department of Revenue?

A retail merchant certificate from the Indiana Department of Revenue is required if you are selling to consumers. It is not required if you are only manufacturing or distributing e-liquid.

3. Does the required scannable code need to be on the bottle of e-liquid or can it be on external packaging?

The scannable code must be on the bottle so it can be accessible to consumers.

4. When do I have to stop selling, distributing, or manufacturing product in Indiana that was not manufactured in compliance with IC 7.1-7?

Retailer:

- A retailer that was open prior to July 1, 2015:
 - Product manufactured prior to July 1, 2015 must be removed by July 1, 2016.
 - Product manufactured between July 1, 2015 and July 1, 2016 must be sold prior to the “best if used by” date or two years from the manufacture date, whichever is sooner.
 - Product manufactured after July 1, 2016 shall only be sold by a retailer if it was manufactured in compliance with IC 7.1-7.

Distributor:

- Distributor that distributed e-liquid in Indiana before July 1, 2015:
 - Product manufactured prior to July 1, 2015 shall not be distributed in Indiana after June 30, 2016.
 - Product manufactured between July 1, 2015 and June 30, 2016 may be distributed and sold in Indiana prior to the “best if used by” date or two years from the manufacture date, whichever is sooner.
 - Product manufactured after July 1, 2016 shall only be distributed by a distributor if it was manufactured in compliance with IC 7.1-7.

Manufacturer:

- Manufacturer that manufactured e-liquid in Indiana or for distribution or sale in Indiana before July 1, 2015:
 - Product manufactured prior to July 1, 2015 shall not be distributed or sold in Indiana after June 30, 2016.
 - Product manufactured between July 1, 2015 and June 30, 2016 may be distributed and sold in Indiana prior to the “best if used by” date or two years from the manufacture date, whichever is sooner.
 - Product manufactured after July 1, 2016 in Indiana or for distribution or sale in Indiana must be manufactured in compliance with IC 7.1-7.

5. What are the video recording requirements for an e-liquid manufacturer?

IC 7.1-7-4-6 requires that “[t]he manufacturer’s facility...be subject to twenty-four (24) hour video recording where e-liquid is mixed, bottled, packaged, and stored. The video recordings must be retained for at least thirty (30) days.” The statute does not require twenty-four (24) hour monitoring of the video recording.