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| 3 | (By Delegates Perdue, Moore, Marshall, Barill and Hatfield) |
| 5 | [Introduced February 15, 2012; referred to the |
| 6 | Committee on Health and Human Resources then the Judiciary.] |
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| 10 | A BILL to amend and reenact $\$16-9A-9$ of the Code of West Virginia, |
| 11 | 1931, as amended, relating to banning of flavored tobacco |
| 12 | products; and proving criminal penalty. |
| 13 | Be it enacted by the Legislature of West Virginia: |
| 14 | That \$16-9A-9 of the Code of West Virginia, 1931, as amended, |
| 15 | be amended and reenacted to read as follows: |
| 16 | ARTICLE 9A. TOBACCO USAGE RESTRICTIONS. |
| 17 | §16-9A-9. Selling of bidis and flavored tobacco products |
| 18 | prohibited; penalties. |
| 19 | (a) The Legislature finds that young people in this state have |
| 20 | been enticed into smoking or using tobacco products by first using |
| 21 | or experimenting with hand-rolled, flavored tobacco products called |
| 22 | "bidis" or "beedies." <u>In addition, regular tobacco products that</u> |
| | are flavored are also used to entice minors. Recognizing that the |
| 24 | use of bidis and flavored tobacco products is an emerging public |
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H. B. 4541

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- 1 health problem, the Legislature hereby adopts a public policy that
- 2 the tobacco products known as "bidis" and other flavored tobacco
- 3 products should not be imported, sold or distributed in the State
- 4 of West Virginia.
- 5 (b) Notwithstanding any other provision of law, no person or
- 6 business entity shall may possess, import, sell, offer for sale or
- 7 distribute any tobacco product commonly referred to as "bidis" or
- 8 "beedies" or other flavored tobacco products as defined in this
- 9 section.
- 10 (c) (1) For purposes of this section, "bidis" or "beedies"
- 11 means a product containing tobacco that is wrapped in temburni leaf
- 12 or leaves (diospyros melanoxylon) or tendu leaf or leaves
- 13 (diospyros exculpra), or any other product or substance that is
- 14 offered to or purchased by consumers as bidis or beedies. As used
- 15 in this section, the terms "bidis" and "beedies" have the same
- 16 meaning and may be used interchangeably.
- 17 (2) For purposes of this section, "flavored tobacco products"
- 18 means tobacco products that have added flavoring including
- 19 cigarettes, cigars, smokeless tobacco, Hookah tobacco, little
- 20 cigars and dissolvable tobacco products. Menthol and mint flavors
- 21 are not included in the definition of "flavored tobacco products."
- 22 (d) Any person violating the provisions of this section is
- 23 quilty of a misdemeanor and, upon conviction thereof, shall be
- 24 fined not more than \$500; and upon a second or subsequent

- 1 conviction thereof, shall be fined not less than \$1,000 nor more
- 2 than \$5,000 for each offense, or confined in a county or regional
- 3 jail not more than six months, or both.

NOTE: The purpose of this bill is to ban the sale of flavored tobacco products.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.