

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4054

BY DELEGATE PYLES

[Introduced January 08, 2020; Referred to the Committee
on Small Business, Entrepreneurship and Economic
Development then Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-9A-11, relating to the use of vapor products; requiring posting of a warning
 3 notice relating to the hazards of vapor products at all businesses where vapor products
 4 are sold; providing requirements for signage; requiring the Bureau for Public Health to
 5 make notices available; providing criminal penalties for failure to post the notice; and
 6 authorizing the Bureau for Public Health to update the signage.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-11. Vapor Products Warning Notice.

1 (a) All businesses or establishments that sell vapor products in this state to consumers
 2 shall post a warning notice as provided for in this section in a prominent location in the retail sales
 3 area visible to all customers that warns the customer of the health risks associated with
 4 consuming vapor products. The sign shall contain the provisions of subsection (b) of this section
 5 regarding content of any such notice, and the Bureau for Public Health shall provide hyperlinks
 6 on the bureau’s website to downloadable notices that are to be posted, at a minimum size of eight
 7 and one-half inches by 11 inches.

8 (b) The signage to be posted shall read as follows:

9 **“WARNING TO ALL PERSONS USING VAPOR PRODUCTS**

10 Since the specific compounds or ingredients used in vapor products causing lung
 11 injury are not yet known, the only way to assure that you are not at risk while the
 12 investigation continues is to consider refraining from use of all e-cigarette, or vaping,
 13 products.

14 If you are an adult using e-cigarettes, or vaping, products to quit cigarette smoking,
 15 do not return to smoking cigarettes. Adults addicted to nicotine using e-cigarettes should

16 weigh all risks and benefits and consider utilizing FDA approved nicotine
17 replacement therapies.

18 If you continue to use e-cigarette, or vaping, products, carefully monitor yourself
19 for symptoms and see a healthcare provider immediately if symptoms develop.

20 Learn more at the U.S. Centers for Disease Control and Prevention: CDC.gov”.

21 (c) Any law-enforcement officer, representative of the Bureau for Public Health or of a
22 county health department, representative of the Division of Labor, or other state representative
23 inspecting a business or establishment, or otherwise lawfully acting under his or her state
24 authority, may notify, in writing, any business or establishment that it has failed to comply with the
25 requirements of this section. The written notice must be delivered to the noncomplying business
26 or establishment by certified mail, with return receipt requested. A business or establishment that
27 does not correct a violation within 30 days from the receipt of the written notice is guilty of a
28 misdemeanor and, upon a first conviction thereof, shall be fined not more than \$250; and upon a
29 second or subsequent conviction, shall be fined not less than \$250 nor more than \$500.

30 (d) The Bureau for Public Health is authorized to amend the signage when the United
31 States Centers for Disease Control and Prevention publishes new findings regarding scientifically
32 identified health hazards for use of vaping products to update the signage to reflect those new
33 findings.

NOTE: The purpose of this bill is to require businesses selling vapor products to post a warning sign visible to all customers providing a warning of the health risks relating to use of vapor products; and allows the Bureau for Public Health to update the signage if new health risks are identified by the United States Centers for Disease Control and Prevention.

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