

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4147

By Delegate Pritt

[Introduced January 14, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §16-9A-6, relating to the possession and use of tobacco products by a person
3 under 21 years of age; setting out penalties; and providing exception for individuals
4 assisting in tobacco compliance inspections.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-6. Use or possession of tobacco products by persons under the age of 21; penalties.

1 (a) It is unlawful for any person under the age of 21 to possess or use any tobacco product.

2 (b) Any person violating the provisions of this section is guilty of a misdemeanor
3 punishable as follows:

4 (1) First offense - fined \$50 and eight hours of community service;

5 (2) Second offense - fined \$100 and 16 hours of community service; and

6 (3) Third and each subsequent offense - fined \$200 and 24 hours of community service.

7 (c) Notwithstanding the provisions of §49-4-101 et seq. of this code, the magistrate court
8 has concurrent jurisdiction over offenses under this section.

9 (d) Individuals under 21 assisting in tobacco compliance inspections under §16-9A-7 of
10 this code are not guilty of violating this section if the possession of the tobacco product is a part of
11 such inspections.

NOTE: The purpose of this bill is to make possession or use of a tobacco derived product
by a person under 21 unlawful.

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