

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 209

**FISCAL
NOTE**

By Senator Helton

[Introduced January 14, 2026; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §16-9H-1, relating to the creation of the Vape Regulation and Enforcement Act;
3 providing for definitions; and empowering the Alcohol Beverage Control Administration to
4 regulate the sale of vapes and vape cartridges.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9H. VAPE REGULATION AND ENFORCEMENT ACT.

§16-9H-1. Relating to the regulation and enforcement of vape products.

1 (a) This article is designed to regulate any business in this state that sells "vapes" or "vape
2 cartridges," defined as any device that is used to inhale vapor containing nicotine and flavoring.

3 (b) Any business in this state which intends to sell vapes or vape cartridges shall obtain a
4 license to sell such products.

5 (1) The license shall contain identifying information on the owner and responsible person
6 that shall be present when an inspection takes place on a business selling vapes or vape
7 cartridges.

8 (2) The license shall contain all demographic information on both the owner and operator
9 of a business selling vapes or vape cartridges.

10 (3) A background check shall be conducted on any owner or operator of a business that
11 sells vapes or vape cartridges.

12 (c) All other requirements under this article shall otherwise follow the requirements to sell
13 alcohol in this state.

14 (d) The Alcohol Beverage Control Administration is hereby established as the regulating
15 entity for any business selling vapes or vape cartridges in this state.

16 (1) The Alcohol Beverage Control Administration shall maintain the authority to establish a
17 state registry of vapes, vape cartridges, and vape products subject to criteria otherwise set forth in
18 this code, including but not limited to packaging restrictions, product design controls, and
19 marketing and packaging restrictions.

20 (2) The Alcohol Beverage Control Administration shall have rulemaking authority to
21 regulate the sale of vapes and vape cartridges in this state.

22 (e) Advertising for the sale of vapes and vape cartridges shall follow the same regulations
23 as otherwise set forth for Limited Video Lottery (LVL) terminals.

24 (f) The Alcohol Beverage Control Administration is empowered to create penalties for
25 violations by an owner, operator, or employee who sells vapes and vape cartridges. Such
26 penalties may apply to the owner and operator based upon an employees' actions. The
27 commissioner of the Alcohol Beverage Control Administration shall have the discretion to suspend
28 or revoke the license of a business who sells vapes or vape cartridges.

NOTE: The purpose of this bill is to regulate the sale of vape products.

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