

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 808

**FISCAL
NOTE**

By Senators Takubo, Clements, and Phillips

[Introduced February 6, 2026; referred

to the Committee on Health and Human Resources;
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 §19-40-1, relating to the regulation of consumable hemp products; providing
3 legislative findings; defining terms; prohibiting certain hemp products; requiring licensure
4 of manufacturers, distributors, and retailers; assigning regulatory authority; establishing
5 testing, labeling, packaging, and marketing requirements; restricting sales to persons
6 under 21 years of age; imposing an excise tax; providing for enforcement, penalties, and
7 seizure; and providing effective dates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 40. CONSUMABLE HEMP PRODUCTS.

§19-40-1. Legislative findings and purpose.

1 The Legislature finds that consumable hemp products containing cannabinoids are widely
2 sold in this state; that inconsistent regulation presents public health and safety concerns; that
3 products marketed toward minors or containing intoxicating or synthetically altered cannabinoids
4 pose particular risks; and that a uniform regulatory framework is necessary. The purpose of this
5 article is to establish clear standards for the manufacture, distribution, sale, taxation, and
6 enforcement of consumable hemp products in West Virginia.

§19-40-2.

Definitions.

1 For purposes of this article:
2 "Board" means the West Virginia Alcohol Beverage Control Administration.
3 "Consumable hemp product" means a finished product intended for human or animal
4 consumption that contains hemp or a hemp-derived cannabinoid and that complies with the
5 definition of hemp under federal law, excluding:
6 (1) Smokable hemp products; and
7 (2) Products containing synthetically derived or chemically modified cannabinoids.
8 "Hemp" has the meaning provided in 7 U.S.C. §1639o.

"Smokable hemp product" means hemp cigarettes, cigars, flower, buds, pre-rolls, vaping liquids, or any product intended to be inhaled or combusted.

"Manufacturer" means a person that produces or processes a consumable hemp product.

"Distributor" means a person that distributes consumable hemp products for sale.

"Retailer" means a person that sells consumable hemp products directly to a consumer.

§19-40-3. Prohibited products.

Smokable hemp products are prohibited in this state.

A consumable hemp product may not contain a cannabinoid created through chemical synthesis using materials not derived from the cannabis plant.

A consumable hemp product may not be marketed or packaged in a manner appealing to minors, including the use of cartoons, candy-like shapes, or branding that imitates commercially marketed foods primarily consumed by children.

§19-40-4. Regulatory authority.

The Alcohol Beverage Control Administration shall administer and enforce this article and may promulgate legislative rules pursuant to Chapter 29A of this code to implement its provisions.

§19-40-5. Licensing required.

A person may not manufacture, distribute, or sell a consumable hemp product in this state without a license issued by the board.

The board shall establish separate licenses for manufacturers, distributors, and retailers and may set reasonable application and renewal fees.

A license issued under this section is nontransferable.

§19-40-6. Age restrictions.

A retailer may not sell or furnish a consumable hemp product to a person under 21 years of age.

Proof of age shall be verified in the same manner required for alcoholic beverages under state law.

§19-40-7. Testing requirements.

1 Consumable hemp products shall be tested by an independent laboratory approved by the
2 board.

3 Testing shall include cannabinoid potency and screening for contaminants, including
4 heavy metals, pesticides, residual solvents, and microbial impurities.

5 A certificate of analysis shall be maintained by the licensee and made available upon
6 request

§19-40-8. Labeling and packaging.

1 Each consumable hemp product shall be labeled with:

2 Product name and manufacturer;

3 A complete list of ingredients;

4 Total cannabinoid content per serving;

5 A scannable code linking to the certificate of analysis; and

6 A health warning statement approved by the board.

7 Packaging shall be child-resistant and tamper-evident.

§19-40-9. Advertising restrictions

1 Advertising may not target or be reasonably expected to appeal to persons under 21 years
2 of age and may not make unsubstantiated therapeutic or medical claims.

§19-40-10. Excise tax.

1 There is imposed an excise tax of 10 percent on the retail sales price of consumable hemp
2 products sold in this state.

3 The tax shall be collected by the Tax Commissioner and deposited as follows:

4 Eighty percent to the State General Revenue Fund; and

5 Twenty percent to the municipality or county in which the sale occurs.

§19-40-11. Inspections and enforcement.

1 The board may inspect licensed premises, seize unlawful products, and issue
2 administrative citations for violations of this article.

§19-40-12.

Penalties.

1 A first violation is punishable by a civil penalty not to exceed \$5,000. Repeated violations
2 may result in suspension or revocation of a license. A person who knowingly sells prohibited
3 products is guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding
4 \$10,000.

§19-40-13.

Contraband.

1 Consumable hemp products possessed or sold in violation of this article are contraband
2 and subject to seizure and destruction.

§19-40-14.

Preemption.

1 This article preempts any local ordinance regulating consumable hemp products, except
2 for zoning and time, place, and manner restrictions consistent with this article.

§19-40-15.

Effective

dates.

1 This article shall take effect July 1, 2026.

Licensing and taxation requirements shall be enforced beginning January 1, 2027

NOTE: The purpose of this bill is to regulate consumable hemp products and to establish clear standards for the manufacture, distribution, sale, taxation, and enforcement of consumable hemp products in West Virginia.

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