

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4629**

By Delegates Akers, McCormick, Chiarelli, Rohrbach,

Amos, Worrell, and Hite

[Introduced January 21, 2026; referred to the

Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-9A-3 of the Code of West Virginia, 1931, as amended, relating  
2 to medical cessation treatment and research; providing exemptions for distribution to  
3 individuals between the ages of eighteen and twenty-one for the purpose of tobacco  
4 cessation and/or research in a sanctioned medically supervised program by an institution  
5 of higher education.

*Be it enacted by the Legislature of West Virginia:*

## CHAPTER 16. PUBLIC HEALTH.

### ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

**§16-9A-3. Sale or gift of tobacco products to persons younger than 21 years of age;  
penalties for first and subsequent offenses; provision of non-criminal, non-  
monetary penalties; consideration of prohibited act as grounds for dismissal.**

1 (a) A person, firm, corporation, or business entity may not sell, give, or furnish, or cause to  
2 be sold, given, or furnished, any tobacco product, in any form, to any person younger than 21  
3 years of age, which shall be verified by a valid driver's license, state identification card, or any valid  
4 and unexpired federally issued identification card such as a passport or military identification card:  
5 Provided, That the provisions of this section shall not apply to persons performing activities as part  
6 of a scientific study or research being conducted by an institution of higher education, as defined in  
7 §21A-1A-21 of this code, for the purpose of medical research to further efforts in cigarette and  
8 tobacco use prevention and cessation and tobacco product regulation, provided that such medical  
9 research has been approved by a properly accredited institutional review board pursuant to  
10 applicable federal regulations.

11 (b) Any firm, corporation, or business entity that violates the provisions of subsection (a) of  
12 this section and any individual who violates the provisions of subsection (a) of this section is guilty  
13 of a misdemeanor and, upon conviction thereof, shall be fined \$250 for the first offense. Upon any  
14 subsequent violation at the same location or operating unit, the firm, corporation, or business

entity or the individual shall be fined as follows: At least \$500, but not more than \$750 for the second offense, if it occurs within two years of the first conviction; at least \$750, but not more than \$1,000 for the third offense, if it occurs within two years of the first conviction; and at least \$2,000, but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five years of the first conviction.

(c) Any person who violates subsection (a) of this section while acting as a non-management agent or employee of a retail outlet where tobacco products are sold is subject to non-criminal, non-monetary penalties, including, but not limited to, education classes, diversion programs, and community service. The alcohol beverage control commissioner shall promulgate rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code, to establish standards for education classes, diversion programs, and community service.

(d) Any employer who discovers that his or her employee has sold or furnished tobacco products to any person younger than 21 years of age may dismiss the employee for cause, if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in his or her termination from employment.

NOTE: The purpose of this bill is to provide exemptions for distribution to individuals between the ages of eighteen and twenty-one for the purpose of tobacco cessation and/or research in a sanctioned medically supervised program.

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