

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4966

By Delegates Vance, Martin, and Brooks

[Introduced January 29, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §16-9A-3 of the Code of West Virginia, 1931, as amended, relating
2 to tobacco usage; and creating penalties for adults who purchase tobacco products, in any
3 form, for underage children.

Be it enacted by the Legislature of West Virginia:

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 (b) Any firm, corporation, or business entity that violates the provisions of subsection (a) of
6 this section and any individual who violates the provisions of subsection (a) of this section is guilty
7 of a misdemeanor and, upon conviction thereof, shall be fined \$250 for the first offense. Upon any
8 subsequent violation at the same location or operating unit, the firm, corporation, or business
9 entity or the individual shall be fined as follows: At least \$500, but not more than \$750 for the
10 second offense, if it occurs within two years of the first conviction; at least \$750, but not more than
11 \$1,000 for the third offense, if it occurs within two years of the first conviction; and at least \$2,000,
12 but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five
13 years of the first conviction.

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

19 education classes, diversion programs, and community service.

20 (d) Any other person who violated subsection (a) of this section is guilty of a misdemeanor
21 and shall be punished as follow:

22 (1) First offense conviction shall be fined \$500;

23 (2) Second offense conviction shall be fined \$1,500; and

24 (3) Third or subsequent offense convictions shall be fined \$2,500, or the person shall be
25 confined in jail not more than 60 days, or both.

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

NOTE: The purpose of this bill is to create penalties for adults who purchase tobacco products for underage children.

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