

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 484**

By Senator Woodrum

[Introduced January 19,2026; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
 2 designated §16-9H-1, §16-9H-2, §16-9H-3, §16-9H-4, §16-9H-5, §16-9H-6, §16-9H-7,  
 3 §16-9H-8, §16-9H-9, §16-9H-10, §16-9H-11, §16-9H-12, §16-9H-13, §16-9H-14, §16-9H-  
 4 15, §16-9H-16, §16-9H-17, and §16-9H-18, relating to the regulation of intoxicating,  
 5 nicotine, and controlled retail products; creating the Intoxicating and Nicotine Retail  
 6 Licensing and Public Safety Act; definitions; creating within the Alcohol Beverage Control  
 7 Administration the Division of Regulated Products and Retail Compliance; providing for  
 8 documentation sharing; with state and county coordination; county operating permits;  
 9 inspection authority; local penalties; county enforcement of setbacks, advertising bans,  
 10 window opacity, rules, and immediate suspension powers; product seizure authority;  
 11 county–ABCA coordination framework; retailer responsibilities; and local appeals process.

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

**ARTICLE 9H. THE INTOXICATING AND NICOTINE RETAIL LICENSING AND PUBLIC  
 SAFETY ACT.**

**§16-9H-1. Short title.**

1 This article shall be known and cited as "The Intoxicating and Nicotine Retail Licensing and  
 2 Public Safety Act."

**§16-9H-2. Legislative finding**

1 The Legislature finds that:  
 2 West Virginia faces a statewide public-health and public-safety threat arising from  
 3 unregulated or underregulated sales of: vape products, ENDS devices, and nicotine salts;  
 4 intoxicating hemp derivatives including Delta-8, Delta-10, THC-O, THC-P, HHC, and emerging  
 5 analogs; Kratom or mitragynine products; synthetic or psychoactive compounds sold at retail;  
 6 drug-test-fraud devices including synthetic urine and associated paraphernalia.  
 7 Unregulated retail environments promote youth access, predatory advertising, counterfeit

or adulterated products, and products contaminated with pesticides, solvents, metals, or synthetic additives.

The proliferation of neon-sign advertising, candy-lookalike packaging, and self-serve displays has directly contributed to underage consumption and public nuisance activity.

Counties lack uniform statutory tools to regulate these products absent zoning authority; a statewide framework is necessary.

It is necessary to consolidate regulation under a single statewide licensing authority while empowering counties to enforce local operating permits and protect their communities.

All costs of testing, certification, documentation, reporting, packaging, product removal, and compliance shall rest solely upon retailers, manufacturers, and distributors, not the State of West Virginia.

### **§16-9H-3.**

### **Definitions.**

As used in this article:

"Regulated Business" means any retailer that possesses in inventory any regulated product defined in this section, regardless of sales volume or percentage of business activity.

"Regulated Product" includes:

(1) Nicotine Product: vape devices, ENDS, cartridges, disposables, e-liquids, nicotine salts.

(2) Intoxicating Hemp-Derived Products: any cannabinoid, compound, derivative, isomer, analog, or synthetic modification of tetrahydrocannabinol, including Delta-8, Delta-10, THC-O, THC-P, HHC, and any psychoactive or intoxicating cannabinoid, whether naturally occurring or produced through chemical conversion.

(3) Kratom Products: mitragynine or 7-hydroxymitragynine in any form.

(4) Psychoactive or Intoxicating Substances: any product consumed, inhaled, vaporized, ingested, dissolved, or otherwise introduced into the body for euphoric, psychoactive, hallucinogenic, depressant, or stimulant effects, regardless of labeling.

(5) Paraphernalia and Accessories reasonably capable of administering, inhaling, vaporizing, ingesting, concealing, or consuming a Regulated Product.

(6) Drug-Test-Fraud Devices, including synthetic urine ("fetish urine"), powdered urine, concealed bladder devices, heating elements, temperature regulation strips, or any device reasonably capable of defeating a drug or alcohol test.

(7) Candy-Lookalike Packaged Products, including any product packaged or shaped to imitate candy, snacks, cereal, beverages, or items commonly consumed by children.

**§16-9H-4. Creation of the Division of Regulated Products & Retail Compliance.**

(a) There is hereby created within the Alcohol Beverage Control Administration the Division of Regulated Products & Retail Compliance ("the Division").

(b) The division shall administer all licensing, documentation, enforcement, rulemaking, and oversight required under this chapter.

(c) The division shall operate within existing ABCA resources; no new appropriations or full-time positions are authorized or required.

**§16-9H-5. State License Required.**

(a) No person may operate a Regulated Business in West Virginia without first obtaining a State Regulated Retail License issued by the division.

(b) The division shall establish and maintain an online licensing portal through which retailers shall upload all required documentation.

(c) License fees shall be set by legislative rule and shall fully offset administrative costs.

(d) A state license may not be issued until the retailer is in compliance with all requirements of this article.

**§16-9H-6. County Operating Permit Required.**

(a) Each county commission shall issue a County Operating Permit to any Regulated Business operating within its jurisdiction.

(b) No person may operate without both:

(1) A valid state license; and

(2) A valid county operating permit.

(c) Counties may adopt ordinances more restrictive than statewide minimums but not less restrictive.

(d) Counties may impose permit fees to offset local enforcement and inspection costs.

**§16-9H-7. Documentation Sharing; State–County Coordination.**

(a) The division shall provide counties with electronic access to: all license filings, COAs, QR verification documentation, violation notices, suspensions and revocations.

(b) Counties may require retailers to provide copies of all ABCA-filed materials as a condition of the county permit.

**§16-9H-8. Setbacks for New Retailers.**

(a) New Regulated Businesses may not locate within: 1,000 feet of a K–12 school; 500 feet of a playground, library, or youth center; 300 feet of another Regulated Business.

(b) Existing retailers are grandfathered as lawful nonconforming uses but must comply with all operational and advertising requirements.

**§16-9H-9. Advertising and Exterior Display Restrictions (Retroactive).**

(a) All Regulated Businesses, including grandfathered businesses, shall comply with:

(1) A complete ban on exterior advertising of Regulated Products.(2) A ban on neon, LED, flashing, backlit, or illuminated signs.(3) A ban on posters, banners, product imagery, cannabis leaves, or likenesses. (4) Mandatory window opacity preventing visibility of interior products.

(b) Only a single non-illuminated business-name sign is permitted.

**§16-9H-10. Product Testing, Certification, COAs, and QR Verification.**

(a) No Regulated Product may be sold unless accompanied by a third-party ISO-accredited Certificate of Analysis (COA).

(b) COAs must include: potency testing; contaminant testing (metals, pesticides, solvents, microbes); prohibited additive screening; batch number and traceability.

(c) Each product must include a QR code linking to the COA.

(d) Retailers shall upload all COAs to the Division portal.

(e) Falsified, altered, or counterfeit COAs constitute a criminal offense.

**§16-9H-11. Operational Standards (Retroactive).**

(a) Hours of operation: 8 a.m.–10 p.m.

(b) No minors permitted inside a Regulated Business.

(c) All Regulated Products must be behind a counter or in a locked display.

(d) No sampling or on-site consumption.

(e) Mandatory security cameras and lighting.

(f) Mandatory reporting of adulterated or noncompliant products.

**§16-9H-12. Prohibition of Drug-Test-Fraud Devices.**

(a) No person may sell, possess for sale, deliver, or distribute any device or substance reasonably capable of defrauding a drug or alcohol screening test.

(b) All such products are declared contraband and must be removed within 24 hours.

(c) Violations require immediate suspension of the county permit and referral to the division.

**§16-9H-13. Manufacturer and Distributor Liability.**

Manufacturers and distributors that supply adulterated, untested, mislabeled, or counterfeit products are subject to license revocation, civil penalties, and seizure of product statewide.

**§16-9H-14. Enforcement and Penalties.**

(a) First offense: civil penalty up to \$5,000.

(b) Second offense: 30-day suspension of both licenses.

(c) Third offense: permanent revocation of state license; mandatory county permit revocation.

(d) Counties may issue immediate suspensions for any violation that poses a public health

6 or safety risk.

**§16-9H-15. Preemption; Superseding Prior Rules.**

1 (a) This chapter supersedes and replaces all retail hemp, Kratom, or intoxicating product  
 2 registration or regulation previously administered by: the West Virginia Department of Agriculture;  
 3 the Alcohol Beverage Control Administration (prior hemp/Kratom retail rules).

4 (b) Nothing in this article alters agricultural production licensing.

**§16-9H-16. Rulemaking Authority.**

1 (a) The division shall propose legislative rules and emergency rules pursuant to §29A-3-1  
 2 et seq. of this code.

3 (b) Rules may address licensing, COAs, QR systems, packaging, prohibited additives,  
 4 signage; setbacks; county coordination; penalties; testing standards; and any matter necessary to  
 5 implement this chapter.

**§16-9H-17. Compliance Deadlines.**

- 1 (a) Product testing, COA uploads, QR system: 120 days.  
 2 (b) Advertising and window-opacity compliance: 90 days.  
 3 (c) County permit requirements: 60 days after effective date.  
 4 (d) Immediate removal of drug-test-fraud devices.

**§16-9H-18. Fiscal Responsibility.**

1 All costs of compliance, testing, documentation, packaging, signage removal, or product  
 2 destruction shall be borne entirely by the retailer, manufacturer, or distributor. No state funds shall  
 3 be expended except as recovered through license fees.

NOTE: The purpose of this bill is to regulate intoxicating, nicotine and controlled retail products. The bill creates The Intoxicating and Nicotine Retail Licensing and Public Safety Act; and creates within the Alcohol Beverage Control Administration the Division of Regulated Products & Retail Compliance.

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