

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 559

**FISCAL
NOTE**

By Senator Taylor

[Introduced January 21, 2026; referred
to the Committee on the Judiciary; 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 §60-11-1, §60-11-2, §60-11-3, §60-11-4, §60-11-5, §60-11-6, §60-11-7, §60-
3 11-8, §60-11-9, §60-11-10, §60-11-11, §60-11-12, and §60-11-13, relating to creating the
4 Protecting Children from Illegal Vapes Act; providing a short title and legislative purpose;
5 defining terms; giving the Alcohol Beverage Control Administration regulatory authority;
6 requiring a license to sell, distribute, or offer vapor products in this state; creating a product
7 registry; restricting sales; permitting inspections and enforcement; creating administrative
8 and criminal penalties; permitting rulemaking; preempting local ordinances; and setting an
9 effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. PROTECTING CHILDREN FROM ILLEGAL VAPES ACT.

§60-11-1. Short title.

1 This article may be cited as the "Protecting Children from Illegal Vapes Act".

§60-11-2. Legislative purpose.

1 The purpose of this article is to establish a comprehensive and uniform system for the
2 regulation of vapor products in this state in order to protect public health and safety, prevent
3 unlawful sales, and ensure compliance with applicable state and federal law.

§60-11-3. Definitions.

1 For purposes of this article, the following terms have the meanings ascribed to them unless
2 the context clearly indicates otherwise:

3 "Administration" means the Alcohol Beverage Control Administration created pursuant to
4 §60-2-1 of this code.

5 "Distributor" means any person engaged in the business of selling, supplying, or
6 distributing vapor products to a retailer within this state.

7 "Electronic nicotine delivery system" or "ENDS" means any product that employs an
8 electronic, chemical, or mechanical means to produce vapor or aerosol from a solution or

substance for inhalation, including any device, cartridge, pod, liquid, disposable product, or component thereof, whether or not the product contains nicotine.

"Manufacturer" means any person who manufactures, fabricates, assembles, processes, or labels a vapor product for sale or distribution.

"Retailer" means any person engaged in the business of selling vapor products to consumers within this state.

"Vapor product" means an electronic nicotine delivery system as defined in this section and includes any substance intended for use with such a device.

"Registered vapor product" means a vapor product that is listed on the vapor product registry established pursuant to §60-11-6 of this code.

§60-11-4. Regulatory authority.

The Administration is designated as the sole state agency responsible for the licensing, regulation, inspection, and enforcement of vapor products under this article.

§60-11-5. License required; retailers and distributors.

A person may not sell, distribute, or offer for sale any vapor product in this state without first obtaining the appropriate license issued by the Administration.

§60-11-6. Vapor product registry.

The Administration shall establish and maintain a vapor product registry. A vapor product may not be sold or distributed in this state unless listed on the registry.

§60-11-7. Restrictions on sale.

The sale of vapor products to individuals under 21 years of age is prohibited. Any person who sells a vapor product to an individual under 21 is subject to the provisions of §16-9A-1 *et seq.* of this code. Self-service displays of vapor products are prohibited.

§60-11-8. Inspections and enforcement.

The Administration may inspect licensed premises, seize unlawful products, and issue enforcement actions.

§60-11-9. Administrative penalties.

1 (a) Any distributor, manufacturer, or retailer who violates any provision of this article or any
2 rule promulgated by the administration, may be assessed a civil penalty by the commissioner
3 which penalty shall not be more than \$1,000 for each such violation. Each violation shall constitute
4 a separate offense. In determining the amount of the penalty, the administration shall consider any
5 previous violations of the distributor, manufacturer, or retailer; the appropriateness of such penalty
6 to the size of the business charged; the gravity of the violation; and the demonstrated good faith in
7 attempting to achieve rapid compliance after notification of a violation.

8 (b) A civil penalty shall be assessed by the commissioner only after the commissioner shall
9 have given at least 10 days' notice to the distributor, manufacturer or retailer. Notice shall be in
10 writing, shall state the reason for the proposed civil penalty and the amount thereof, and shall
11 designate a time and place for a hearing where the distributor, manufacturer, or retailer may show
12 cause why the civil penalty should not be imposed. Notice shall be sent by certified mail to the
13 business address or the address for any issued license. The distributor, manufacturer, or retailer
14 may, at the time designated for the hearing, produce evidence in his or her behalf and be
15 represented by counsel.

§60-11-10. Criminal penalties.

1 Any person who knowingly distributes unregistered vapor products is guilty of a
2 misdemeanor and, upon conviction, may receive a fine of up to \$5,000; imprisoned up to 90 days
3 in the county jail; or both a fine and imprisonment.

§60-11-11. Rules.

1 The Administration shall promulgate legislative rules pursuant to §29A-3-1 et seq. to
2 implement this article.

§60-11-12. Preemption.

1 This article preempts conflicting local ordinances.

§60-11-13. Effective date.

1 This article shall take effect 90 days from passage.

NOTE: The purpose of this bill is to create the Protecting Children from Illegal Vapes Act.

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