

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4856

By Delegate Chiarelli

[Introduced January 17, 2024; Referred to the
Committee on Prevention and Treatment of
Substance Abuse then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-9A-11, relating to limiting the number of vape stores and head shops in
 3 West Virginia to one for every 15,000 residents per county.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-11. Limitation on number of vape and head shops.

1 (a) Legislative findings. – The Legislature finds that the number of vape shops and head
 2 shops in West Virginia has drastically increased, creating the potential for minors to have access
 3 to drugs, both legal and illegal, in an increased fashion. Crime has been known to increase in
 4 areas where these stores and shops are prevalent. Because of this, there is a reason to restrict the
 5 number of shops in West Virginia.

6 (b) Definitions. – The following definitions shall apply:

7 (1) "Head shop" is defined as a retail outlet that sells drug-related paraphernalia.

8 (2) "Vape shop" is defined as a retail outlet specializing in the selling of electronic cigarette
 9 products.

10 (c) Restrictions. – There is hereby establish a limit to the number of head shops and vape
 11 stores in this state to one for every 15,000 residents per county. Those shops established or
 12 existing first shall have priority for purposes of this section if shops must cease operation.

NOTE: The purpose of this bill is to limit the number of vape stores and head shops in West Virginia to one for every 15,000 residents per county.

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