



WEST VIRGINIA

ALCOHOL BEVERAGE CONTROL ADMINISTRATION
FREDRIC L. WOOTON, COMMISSIONER

-IMPORTANT NOTICE- New West Virginia Vape Safety Act Compliance Requirements

To All West Virginia Vape or Smoke Retailers:

The West Virginia Legislature recently passed House Bill 5437 (the “Vape Safety Act”) which introduced major regulatory changes for vape and smoke retailers in our state. The West Virginia Alcohol Beverage Control Administration (“WVABCA”) has been tasked with licensing, regulating and enforcing compliance with W.Va. Code §16-9H-1, *et seq.*, which goes into effect on June 11, 2026.

Pursuant to the Vape Safety Act, a “*Vape or Smoke Shop*” means a vape or smoke retailer that devotes at least 33% of its floor space (as determined by the WVABCA Commissioner), to selling tobacco products and accessories, as well as tobacco-derived and alternative nicotine products or vapor products and accessories. **You have been identified as potentially qualifying as a *Vape or Smoke Shop* as defined by this Act.**

Vape or smoke retailers who may meet this 33% threshold, qualifying them as a *Vape or Smoke Shop*, **must apply** for an annual license with the WVABCA, who is now accepting applications for a *Vape or Smoke Shop* license. Applications can be found on the WVABCA website, <https://abca.wv.gov>. **All applicants must meet the licensing requirements set forth in the Vape Safety Act and 175 CSR 12.**

Qualifying *Vape or Smoke Shops* must be licensed before July 1, 2026, for the 2026-2027 license period. We strongly encourage you to complete your application and submit it (along with the \$1200 license fee and any required documentation) to the WVABCA prior to July 1, 2026, to ensure WVABCA staff have adequate time to process your application and identify any potential issues.

Any *Vape or Smoke Shop* operating without a license after July 1, 2026, will be subject to criminal and civil penalties.

Please refer to HB 5437 (the Vape Safety Act), W. Va. Code §16-9H-1, *et seq.*, and 175 CSR 12, for all applicant, premises, product, labeling and marketing requirements, restrictions, and prohibitions. Links to these resources can be found on the WVABCA website, <https://abca.wv.gov>.