

Vape and Smoke Shop

"Vape or smoke shop" means a vape or smoke retailer that devotes at least 33 percent of its floor space to selling tobacco products and accessories, as well as tobacco-derived and alternative nicotine products or vapor products and accessories. These shops may cater to individuals who use electronic cigarettes (e-cigarettes) or other vaping products and/or devices. These shops may sometimes allow vaping on site.

- Vape and Smoke Shop licenses are required if related retail items (see below) make up 33% of the establishment's floor space.
- Commonly seen Vape and Smoke Shop products: Products such as: vape products, nicotine products, "electronic cigarettes", "e-cigar", "e-pipe", "e-hookah", "vape pen", electronic cigarillo, "tobacco derived product" (including but not limited to, cigarettes, pipe tobacco, snuff, snus, chewing tobacco, etc.), tobacco products and accessories (ashtrays, rolling paper, rolling tips, matches, lighters, butane, candles, aerosols, knives and drug paraphernalia as defined in W.Va. Code §47-19-3), alternative tobacco products and accessories, vapor accessories, and other related items. **This is not an all-inclusive list.**
- Establishments must be at least 300' from the front door of the establishment to the property line of a school, daycare or church (as determined by the WVABCA).
- There may not be anyone residing on the proposed premises of the establishment.
- The applicant must be a US citizen.
- All owners, officers, directors, partners, members, persons in control of the applicant, key personnel, beneficiaries, trustees, interested persons, and managers must all be listed on the application and meet licensure requirements.
- The applicant or a licensee must pay an annual license fee of \$1,200 for the 2026 – 2027 license period.
- If the applicant is selling alcohol, lottery, hemp, kratom, or drug paraphernalia, then the valid licenses must be posted.
- Vape and tobacco products may not be provided to anyone younger than 21 years of age.
- See **Warning Page** for appropriate labeling & marketing (starts March 1, 2027), advertising restrictions (starts July 1, 2027), & required labeling (starts June 11, 2026).
- Certain signage will be required to be posted in all locations.
- Hours of operation for licensees are:
 - 8:00 am until midnight (12:00 am).

This is a summary; the complete legislation can be found at abca.wv.gov.
The proposed rule is going through the rule making process.