

WEST VIRGINIA CODE: §16-9H-2

§16-9H-2. Definitions.

"Abandonment" and "abandoned" mean that the use with respect to a premises, regardless of intent of the user, has ceased or has discontinued for a period of at least 30 days, or an explicit declaration by the user of a premises that it has ceased a use with respect to the premises that is non-conforming to this article.

"Adult " means a person who is the age of 21 years or older.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

"Commissioner" means the Alcohol Beverage Control Commissioner or a duly authorized agent thereof.

"Electronic cigarette" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "electronic cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an ecigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

"Improvement" means any building or structure, excluding fence, whether existing on the effective date located on a premises or, if there is a vested right to erect such structure or building, to be located within or upon a premises.

"Manager" means the individual person whom an applicant for a license has designated to attest to the information in the license application, who meets all the requirements of this article, and who is responsible for violations of this article.

"Person" means any individual, corporation, limited liability company, general partnership, limited partnership, joint venture, limited liability partnership, trust, estate, or any other legal entity that is duly organized or existing and authorized to transact business in the State of West Virginia.

"Premises" means a tract or tracts of land, whether containing existing or proposed improvements, within the territorial limits that are identified as a parcel or parcels on a tax district map or maps on file with the office of the county health department.

"Residence" means a detached or undetached dwelling for one or more persons and in which there is not a predominating commercial or non-housing use, and shall not mean a motel, hotel, inn, or other lodging facility for transient persons.

"Tobacco-derived product" means any product containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, pipe tobacco, snuff, snus, chewing tobacco, or other common tobaccocontaining products. A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products, and vapor products.

"Vape or smoke retailer" means a retail establishment that sells tobacco products and accessories, as well as tobacco-derived and alternative nicotine products or vapor products and accessories. These retailers may cater to individuals who use electronic cigarettes (e-cigarettes) or other vaping products and/or devices. These retailers may sometimes allow vaping on site.

"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.

"Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. A "vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electric pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

"Violation" means the failure to be fully compliant with all requirements of this article.