

HB 2360

FILED

2009 MAY -4 PM 3: 19

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2009



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2360**

(By Delegates Schoen and Perdue)



Passed April 11, 2009

In Effect Ninety Days from Passage

**E N R O L L E D**

**FILED**

**2009 MAY -4 PM 3: 19**

**COMMITTEE SUBSTITUTE**

**FOR**

**OFFICE WEST VIRGINIA  
SECRETARY OF STATE**

**H. B. 2360**

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**(BY DELEGATES SCHOEN AND PERDUE)**

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**[Passed April 11, 2009; in effect ninety days from passage.]**

**AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-10, relating to the sale of cigarettes; prohibiting the sale of cigarettes in anything other than original factory-wrapped packaging; prohibiting the sale or distribution of cigarettes in any form other than its original factory packaging; requiring warning on all cigarette packages; prohibiting the sale of individual cigarettes; prohibiting the sale of any cigarettes in a packaging that does not reflect the required warning labels; and providing misdemeanor penalty.**

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-10, to read as follows:

**ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.**

**§16-9A-10. The sale of cigarettes in a container other than its original factory-wrapped packaging prohibited; sale of individual cigarettes prohibited; and warnings required.**

1 (a) A person or business entity may not sell or offer for  
2 sale cigarettes in any form other than an original factory-  
3 wrapped package.

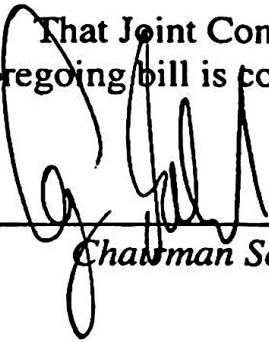
4 (b) No person or business entity may sell or offer for sale  
5 cigarettes in a package that contains fewer than twenty  
6 cigarettes.

7 (c) No person or business entity may sell or offer for sale  
8 single cigarettes.

9 (d) A person or business entity may not sell or offer for  
10 sale cigarettes in any form that does not display the warnings  
11 with the display characteristics required by the provisions of  
12 15 U.S.C. §1333(b)(3), as amended.

13 (e) Any person or business entity who violates the  
14 provisions of this section is guilty of a misdemeanor and,  
15 upon conviction thereof, shall be fined \$250.


That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

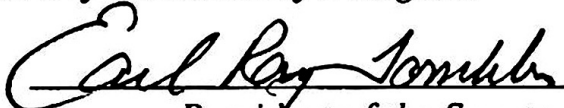
  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 4<sup>th</sup>  
day of May, 2009.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

APR 30 2009

Time 3:20 p