Virginia

Smoking Restrictions

Overall Summary of Smoking Restrictions

Smoking is prohibited in some specific public places such as K-12 schools and licensed child care centers, and allowed in designated areas in other public places such as health care facilities and retail/grocery stores. See Virginia Code sections 15.2-2824 to 15.2-2826 for specific types of places. Smoking is also restricted to separately enclosed, separately ventilated rooms/areas in restaurants.

VA. CODE ANN. §§ 15.2-2820 to 15.2-2828 (2009).

Exceptions to the Law

Smoking is specifically not regulated in: retail tobacco stores, tobacco warehouses or tobacco manufacturing facilities and private clubs. There are also no restrictions on smoking in private workplaces.

VA. CODE ANN. §§ 15.2-2820 to 15.2-2828 (2009).

Stronger Local Laws on Smoking

Stronger local laws/ordinances further restricting smoking are generally not allowed except in a few specific communities that are exempted.

No ordinances enacted by a locality prior to January 1, 1990, shall be deemed invalid or unenforceable because of lack of consistency with the provisions of this chapter. Unless specifically permitted in this chapter, ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter.
VA. CODE ANN. §§ 15.2-2803 (2009).

If a local smoking ordinance is enacted by a locality, the ordinance shall prohibit smoking in: 1) common areas in an educational facility, including but not limited to, classrooms, hallways, auditoriums, and public meeting rooms; 2) school buses and public conveyances; and 3) any of the places governed by sections 15.2-2824 or 15.2-2825 of the Virginia Code Annotated. Local ordinances may provide that management shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building, in: 1) retail and service establishments of 15,000 square feet or more serving the general public, including, but not limited to, department stores, grocery stores, drug stores, clothing stores, and shoe stores; 2) educational facilities, except as provided in section 15.2-2824 Virginia Code Annotated; 3) health care facilities; 4) rooms in which a public meeting or hearing is being held; 5) places of entertainment and cultural facilities, including but not limited to theaters, concert halls, gymnasiums, auditoriums, other enclosed arenas, art galleries, libraries, and museums; 6) indoor facilities used for recreational purposes; or 7) other public places. They shall not prohibit smoking in: 1) conference or meeting rooms and public or private assembly rooms while such rooms are being used for private functions; 2) private work places; 3) areas of enclosed shopping centers or malls that are external to the retail stores therein, are used by customers as a route of travel from one store to another, and consist primarily of walkways and seating

arrangements; or 4) lobby areas of hotels, motels, and other establishments open to the general public for overnight accommodation. Penalty and enforcement provisions must be the same as state law as well.
VA. CODE ANN. §§ 15.2-2829 to 15.2-2833 (2009).

Government Buildings

By executive order, smoking is prohibited in offices and buildings occupied by executive branch agencies and institutions, including institutions of higher education. Smoking in correctional facilities shall be in accordance with guidelines set by the Director of the Department of Corrections; and smoking in state mental health and mental retardation facilities and in mental health units at state teaching hospitals shall be in accordance with guidelines set by the Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services. Smoking is also prohibited in state-owned vehicles except smoking in state police vehicles shall be in accordance with policy set by the Superintendent of State Police.
2006 Exec. Order 41, effective 1/1/07.

Unless prohibited by executive order above, the commonwealth or any agency thereof and every locality shall provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the Commonwealth or any agency thereof or a locality. The provisions of this chapter shall not apply to office, work or other areas of the Department of Corrections which are not entered by the general public in the normal course of business or use of the premises. Smoking is prohibited in public restrooms in any building owned or leased by the Commonwealth or any agency thereof. Smoking is also prohibited in local/district health departments.

VA. CODE ANN. §§ 15.2-2823 & 15.2-2824 (2009).

Private Workplaces

No restrictions

Schools

By executive order, smoking is prohibited in offices and buildings occupied by executive branch agencies and institutions, including institutions of higher education.
2006 Exec. Order 41, effective 1/1/07.

Smoking is prohibited in the interior of any public elementary, intermediate, and secondary school and in public school buses. Except as specified above, the person(s) in charge of other educational facilities shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building.

VA. CODE ANN. §§ 15.2-2824 & 15.2-2826 (2009).

Child Care Facilities

Smoking is prohibited in any child day care center that is not also used for residential purposes. This does not apply to any portion of a building not used by a child day care center.

VA. CODE ANN. § 15.2-2824 (2009).

Health Care Facilities

Smoking is prohibited in hospital emergency rooms and public restrooms of health care facilities. Reasonable no-smoking areas must be designated in other health care facilities, including hospitals and nursing homes.
VA. CODE ANN. §§ 15.2-2824 & 15.2-2826 (2009).

Any person who smokes or uses an open flame within 25 feet of a medical oxygen source in a health care facility when the area is posted as an area where smoking and open flame are prohibited is guilty of a Class 2 misdemeanor.

VA. CODE ANN. § 18.2-511.1 (2009).

Restaurants

As of December 1, 2009, smoking is restricted to structurally separated and separately ventilated portions of restaurants. At least one public entrance of a restaurant must be into an area of the restaurant where smoking is prohibited. Smoking is still allowed in: 1) places that prepare or store food for distribution to persons of the same business operation or of a related business operation for service to the public such as catering services and mobile points of service; 2) outdoor areas of restaurants when not enclosed by temporary enclosures; 3) restaurants located on the premises of any manufacturer of tobacco products; 4) any portion of the restaurant that is used for private functions; and 5) any private club.

VA. CODE ANN. § 15.2-2825 (2009).

Bars

There is no legal distinction between restaurants and bars in Virginia, so establishments that are commonly known as bars are subject to the restrictions on smoking listed above under 'Restaurants.'

VA. CODE ANN. §§ 15.2-2825 & 15.2-2828 (2009).

Other State Smoking Restrictions and Provisions

Any person who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station is guilty of a Class 3 misdemeanor if smoking or the use of an open flame is prohibited by a sign at the pump. Any person who causes a fire or explosion as a result of a violation of this section is guilty of a Class 1 misdemeanor.

VA. CODE ANN. § 46.2-819.4 (2007).

Penalties/Enforcement

The proprietor or other person in charge of a space subject to the restrictions on smoking in the Virginia Clean Indoor Air Act shall post signs conspicuous to public view stating 'Smoking Permitted' or 'No Smoking.' Restaurants are required to post 'No Smoking' signs and remove ashtrays from areas of the restaurants where smoking is prohibited. Failure to post the required signs, continuing to smoke in a non-smoking area after being asked not to, or if a restaurant proprietor fails to comply with specified requirements is punishable by a civil penalty not to exceed $25. Restaurant proprietors can assert an affirmative defense to violation if they follow specified requirements. Any law-enforcement officer may issue a summons

regarding a violation of the restrictions on smoking in public places or restaurants.

VA. CODE ANN. §§ 15.2-2820 to 15.2-2828 (2009).

Tobacco Taxes

Revenue Collected from Cigarette Taxes

Revenue Collected in Fiscal Year 2009 (July 1, 2008 to June 30, 2009): $169,357,000

Tax on Cigarettes

Tax rate per pack of 20: 30 cents
Date last changed: July 1, 2005 -- from 20 cents to 30 cents
Year first enacted: 1960
VA. CODE ANN. § 58.1-1001 (2007).

Roll-your-own tobacco is now included in the definition of cigarette and 0.09 ounces of roll-your-own tobacco is the same as one cigarette. However, the excise tax on roll-your-own tobacco is still 10 percent of the manufacturers' sales price.

VA. CODE ANN. § 58.1-1001 (2007).

Use of Cigarette Tax Revenue - Summary

All revenue generated by the cigarette tax is deposited into the Virginia Health Care Fund. Monies in the fund are used for the provision of health care services.

VA. CODE ANN. §§ 58.1-1018 & 32.1-367 (2004).

Taxes on Other Tobacco Products

Moist snuff: 18 cents/oz. with a proportionate tax at the same rate on all fractional parts of an ounce;
Loose-leaf tobacco: 21 cents for a single unit, 40 cents for a half-pound unit, 70 cents for a pound-unit or 21 cents for all other units, pouches or packages plus an additional 21 cents for each 4 ounce increment over one pound;
All other tobacco products: 10% of the manufacturers' sales price.

VA. CODE ANN. § 58.1-1021.02 (2011).

Use of Other Tobacco Products Tax Revenue - Summary

All revenue generated by the other tobacco products tax is deposited into the Virginia Health Care Fund. Monies in the fund are used for the provision of health care services.

VA. CODE ANN. §§ 58.1-1021.05 (2005) & 32.1-367 (2004).

Tobacco Control Program Funding

Source of funding

State funding for Virginia's tobacco control program comes from annual Master Settlement Agreement payments and federal stimulus dollars.

State Funding Details

Virginia allocated $8,371,777 for tobacco prevention and cessation programs in FY2012 (July 1, 2011 to June 30, 2012). In FY2011, $9,365,046 was allocated. This is the second year of the FY2011-FY2012 biennium.

FY2011-FY2012 Biennial Budget Adjustments (H.B. 1500) enacted and effective 5/2/11 (FY2011) & 7/1/11 (FY2012).

Tobacco Control Program Related Laws

The Virginia Foundation for Healthy Youth is created to assist in determining the appropriate recipients of monies in the Virginia Tobacco Settlement Fund, and causing distribution of such moneys for the purposes provided. The Foundation shall have two divisions, the Virginia Tobacco Settlement Foundation to assist in financing efforts to restrict the use of tobacco products by minors, and a division known as Virginia Youth Obesity Prevention may use moneys from the Fund to assist in financing efforts to reduce childhood obesity. The foundation shall be administered by a board of governors consisting of 23 members, including five designated representatives from public health organizations, which can include the American Lung Association of Virginia.

VA. CODE ANN. §§ 32.1-354 to 32.1-359 (2009).

Funding for Tobacco Control Programs

FY2012 State Funding for Tobacco Control Programs: $8,371,777

FY2012 Federal Funding for State Tobacco Control Programs: $1,603,852*

FY2012 Total Funding for State Tobacco Control Programs: $9,975,629

Funding Level Recommended by CDC: $103,200,000

Percentage of CDC-Recommended Level: 9.7%

*Includes regular funding from the Centers for Disease Control and Prevention as well as tobacco-related grants to states and communities from federal stimulus and health care reform funds.

Laws Restricting Youth Access to Tobacco Products

Compliance/Enforcement

For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration (Synar Amendment) the Department of Agriculture and Consumer Services may promulgate regulations which allow the department to undertake the activities necessary to comply with such regulations.

VA. CODE ANN. § 18.2-371.2 (2003).

Penalties for Sales to Minors

No person shall sell to, distribute to, purchase for or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, including, but not limited to, cigarettes, cigars, bidis and wrappings. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age as required by law shall be a defense to any action brought under this subsection. Violation by an individual or a separate retail establishment, except for the sale of bidis, shall be punishable by a civil penalty not to exceed $100 for the first violation, up to $200 for a second violation and up to $500 for subsequent violations. If the retail establishment has a youth access training program, the court shall suspend all penalties. If the court finds that there is no training program then they may impose a penalty not to exceed $1,000.

VA. CODE ANN. § 18.2-371.2 (2003).

Sign Posting Requirements

Retail establishments that sell tobacco products shall post signs indicating that the sale of tobacco products to any person under the age of 18 is prohibited by law. Proprietors in violation of this requirement may be charged with a civil penalty not to exceed $50.

VA. CODE ANN. § 18.2-371.2 (2003).

Restrictions on Sales of Bidi Cigarettes

No person shall sell to, distribute to, purchase for or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, including bidis. A violation by an individual or by a separate retail establishment that involves the sale, distribution or purchase of a bidi shall be punishable by a civil penalty in the amount of $500 for a first violation, $1,000 for a second violation, and $2,500 for a third or subsequent violation.

VA. CODE ANN. § 18.2-371.2 (2003).

Purchase/Possession of Tobacco Products by Minors

No person less than 18 years of age shall purchase, attempt to purchase or possess any tobacco product, including but not limited to cigarettes, cigars, bidis and rolling papers. This shall not apply to the possession of tobacco products by a person less than 18 years of age making a delivery of tobacco products in pursuance of his employment. Violators shall be punishable by a civil penalty not to exceed $100 for the first violation, and $250 for subsequent violations. In lieu of the civil penalty, a judge may prescribe up to 20 hours of community service for a first violation and up to 40 hours of community service for a second violation.

VA. CODE ANN. § 18.2-371.2 (2003).

Placement of Tobacco Products

No state law/regulation.

Internet Sales of Tobacco Products

No person shall mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless prior to the first delivery sale to a consumer such person complies with: 1) specific age verification requirements, including obtaining a certification from the prospective consumer and verifying the information in the certification; 2) disclosure requirements; 3) shipping requirements, including use of a delivery service that requires a signature to accept delivery and a photographic identification of the person accepting delivery; 4) registration and reporting requirements; and 5) tax collection requirements. A first violation of these provisions is a civil penalty of up to $1,000. A second and subsequent violation is a civil penalty of up to $10,000. Knowingly submitting a false certification is a civil penalty of $5,000 for each offense. Failure to collect or remit taxes is a civil penalty of up to five times the retail value of the cigarettes involved, in addition to any other penalty. The law also makes selling or possessing counterfeit cigarettes illegal, and prescribes penalties.
VA. CODE ANN. §§ 18.2-246.6 et seq. (2003).

Note: Some parts of this law may be affected by the U.S. Supreme Court decision in Rowe v. New Hampshire Motor Transport Association, decided February 20, 2008.

State Preemption of Local Youth Access Laws

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting youth access to tobacco products.

Photo Identification Requirements to Buy Tobacco Products

No person shall sell a tobacco product, including, but not limited to, cigarettes, cigars, bidis, and wrappings, to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age.

VA. CODE ANN. § 18.2-371.2 (2003).

Minimum Age to Sell Tobacco Products to Minors

18

Tobacco Product Samples/Minimum Sales Amounts for Tobacco Products

Tobacco Product Samples

No person shall distribute to any person less than 18 years of age, any tobacco product, including but not limited to cigarettes, cigars, bidis and wrappings. Violation is subject to the same penalties as selling tobacco products to minors. The affirmative defenses listed under 'Penalties for Sales to Minors' are also available.

VA. CODE ANN. § 18.2-371.2 (2003).

Minimum Tobacco Products Sales Amounts

Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. Violators are subject to a civil penalty not to exceed $50.

VA. CODE ANN. § 18.2-371.2 (2003).

State Preemption of Local Samples Laws

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting sampling or minimum sales amounts of tobacco products.

Sales of Tobacco Products from Vending Machines

Vending Machine Placement

Vending machines must be located in a place that is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

VA. CODE ANN. § 18.2-371.2 (2003).

Penalties for Vending Machine Violations

A violation of the restrictions on placement of tobacco product vending machines is subject to the same penalties as selling or distributing tobacco products to minors.

VA. CODE ANN. § 18.2-371.2 (2003).

Sign Posting Requirements for Vending Machines

Where any tobacco product is sold from a vending machine notice shall also be posted on the machine in a conspicuous manner and place indicating that the purchase or possession of tobacco products by minors is unlawful. Violation by an individual or a separate retail establishment shall be subject to the same penalties provided for sale or distribution of tobacco products to minors.

VA. CODE ANN. § 18.2-371.2 (2003).

State Preemption of Local Vending Machine Laws

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting placement of or required sign posting on tobacco product vending machines.

Licensing Requirements for Tobacco Products

Overall Summary of Licensing Requirements

No person shall engage in the business of selling or dealing in tobacco products as a distributor without first having received a separate license from the Department of Taxation for each location or place of business. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person. Distributor's licenses are valid for a period of three years from the date of issue unless sooner revoked by the department.

VA. CODE ANN. §§ 58.1-1021.04:1 & 58.1-1021.04:2 (2006).

License Fees

Each distributor's license must be accompanied by a fee prescribed by the Department of Taxation.

VA. CODE ANN. § 58.1-1021.04:1 (2006).

License Suspension for Sales to Minors

No provisions.

License Required for Retailers of Cigarettes

No

License Required for Retailers of Other Tobacco Products

No

License Required for Wholesalers/Distributors of Cigarettes

Yes

License Required for Wholesalers/Distributors of Other Tobacco Products

Yes

Smoking Protection Laws

Smoking Protection Law

No employee of or applicant for employment with the Commonwealth or any of its political subdivisions shall be required, as a condition of employment, to smoke or use tobacco products on the job, or to abstain from smoking or using tobacco products outside the course of their employment, provided that this section shall not apply to specified classes of employees.

VA. CODE ANN. § 2.2-2902 (1989).

Advertising & Promotion

Advertising & Promotion

No state law/regulation.

Product Disclosure

Product Disclosure

No state law/regulation.

Divestment

Divestment

No state law/regulation.

Liability

Tobacco Industry Liability

In any civil litigation under any legal theory, the amount of the appeal bond or irrevocable letter of credit to be furnished during the pendency of all appeals or discretionary reviews of any judgment granting legal, equitable, or any other form of relief in order to stay the execution thereon during the entire course of appellate review by any courts shall be set in accordance with applicable laws or court rules, except that the total appeal bond or irrevocable letter of credit that is required of an appellant and all of its affiliates shall not exceed $25 million, regardless of the value of the judgment. If the appellee proves by a preponderance of the evidence that a party bringing an appeal, for whom the appeal bond or irrevocable letter of credit requirement has been limited or waived is purposefully dissipating its assets or diverting assets outside the jurisdiction of the United States courts for the purpose of evading the judgment, the limitation or waiver granted shall be rescinded and a court may require the appellant to post a bond or irrevocable letter of credit in an amount up to the full amount of the judgment.

VA. CODE ANN. § 8.01-676.1 (2000).

Use of Tobacco Settlement Dollars

Use of Tobacco Settlement Dollars - Summary

Annual Master Settlement Agreement (MSA) payments received by Virginia are split between three funds/endowments: 1) the Virginia Tobacco Settlement Fund (8.5%), which is used for tobacco and obesity prevention activities; 2) the Virginia Health Care Fund (40%); and 3) 50 percent to the Tobacco Settlement Financing Corporation and the lump sum payment received from that sale was put in the Tobacco Indemnification and Community Revitalization Endowment. In addition, 50 percent of a subset of MSA payments called strategic contribution payments received in FY2011 were allocated to the Virginia Health Care Fund.

VA. CODE ANN. §§ 32.1-360 (2009), 32.1-366 & 32.1-367 (2004), 3.1-1109.1 & 3.1-1111 (2002) & H.B. 30 enacted 5/17/10 and effective 7/1/10 (FY2011) and 7/1/11 (FY2012).

Use of Tobacco Settlement Dollars - Detailed Information

The Virginia Tobacco Settlement Fund was created. Ten percent of the MSA monies are allocated to the fund, unless this 10 percent allocation is sold to the Virginia Foundation for Healthy Youth Endowment for a lump sum payment up front. The monies are used for the purposes of discouraging, eliminating or preventing the use of tobacco products by minors, including, but not limited to, educational and awareness programs on the health effects of tobacco use on minors and laws restricting the distribution of tobacco products to minors. Moneys may also be used for the purpose of reducing childhood obesity, including but not limited to educational and awareness programs, implementing evidence-based practices, and assisting schools and communities with related policies and programs.
VA. CODE ANN. § 32.1-360 (2009).

Note: For FY2011 & FY2012, the allocation of tobacco settlement dollars to the Virginia Tobacco Settlement Fund was reduced to 8.5 percent. Also, at least $1 million of the allocated dollars are required to be used on obesity prevention activities.
H.B. 30 enacted 5/17/10 and effective 7/1/10 (FY2011) and 7/1/11 (FY2012).

The Virginia Health Care Fund was created into which shall be deposited 40 percent of the annual MSA payment. Monies deposited to the Fund shall be used solely for the provision of health care services. Health care services include, but are not limited to, Medicaid payments, disease diagnosis, prevention and control, and community health services.
VA. CODE ANN. §§ 32.1-366 & 32.1-367 (2004).

The Tobacco Indemnification and Community Revitalization Fund was also created. Fifty percent of the monies received from the MSA shall be deposited into the fund subject to the sale of this money to the Tobacco Settlement Financing Corporation. If the sale occurs, all the investment income from the Tobacco Indemnification and Community Revitalization Endowment from the lump sum payment from the sale of this money shall be deposited in the Tobacco Indemnification and Community Revitalization Fund.
VA. CODE ANN. §§ 3.1-1109.1 & 3.1-1111 (2002).

Fifty percent of the MSA strategic contribution payments were allocated to the Virginia Health Care Fund in FY2011 and FY2012.

H.B. 30 enacted 5/17/10 and effective 7/1/10 (FY2011) and 7/1/11 (FY2012).

Securitization

Authorizes the governor to securitize 50 percent of revenues from the annual MSA payments and creates the Tobacco Indemnification and Community Revitalization Endowment to receive the lump sum payment to the state. Also creates the Tobacco Settlement Financing Corporation and authorizes it to issue bonds all at once or from time to time backed by the 50 percent of MSA payments.
H.B. 698 enacted 4/4/02 and effective 7/1/02 & VA. CODE ANN. §§ 3.1-1111 (2004) & 3.1-1111.1 (2001).

Authorizes the governor to securitize the 10 percent of MSA payments that currently go to the Virginia Tobacco Settlement Foundation, and creates the Virginia Foundation for Healthy Youth Endowment to receive the lump sum payment that would be received by the state. Also authorizes the Tobacco Settlement Financing Corporation to issue bonds backed by the 10 percent of MSA payments. To date, no bonds backed by this portion of MSA payments have been issued.

H.B. 3111 enacted 3/13/07 and effective 7/1/07 & VA. CODE ANN. §§ 32.1-360 & 32.1-361.1 (2009).

Fire Safety Standards for Cigarettes

Law Setting Fire Safety Standard for Cigarettes

To help prevent cigarette-caused fires, except as provided in subsection N of section 59.1-293.2 Virginia Code, no cigarettes may be sold or offered for sale in Virginia or offered for sale or sold to persons located in Virginia unless: 1) The cigarettes have been tested in accordance with the test method and meet the performance standard specified in section 59.1-293.2 Virginia Code; 2) the manufacturer has filed a written certification in accordance with section 59.1-293.3 Virginia Code; and 3) the cigarettes have been marked in accordance with Section 59.1-293.4 Virginia Code.

VA. CODE ANN. §§ 59-293.1 to 59-293.9 (2012).

Penalties for Fire Safety Violations

A manufacturer or other person who knowingly sells or offers to sell cigarettes, other than by retail sale, in violation of section 59.1-293.2 above shall be subject to a civil penalty not to exceed $100 for each pack of cigarettes sold or offered for sale. Penalties against any such person shall not exceed $100,000 during any 30-day period. A retailer shall be liable for the same civil penalty for violation, but penalties shall not exceed $25,000 for any retailer during any 30-day period. A manufacturer who knowingly makes a false certification as required by section 59.1-293.3 above shall be liable for a civil penalty of at least $75,000 and not to exceed $250,000 for each such false certification.

VA. CODE ANN. §§ 59-293.1 to 59-293.9 (2010).

Preemption

Summary of all Preemptive Tobacco Control Laws

Local smoking ordinances adopted after January 1, 1990 shall not contain provisions that exceed state smoking restrictions, except as specified.

Activity

Recent Legislative Activity

Roll Your Own Cigarette Machines: Designates persons who allow use of roll-your-own cigarette machines by consumers as manufacturers of cigarettes, which requires them to pay taxes on the products from the machines and follow other specified requirements. Exempts roll-your-own cigarette machines for personal use only.
H.B. 314/S.B. 74 enacted 3/1/12 and effective 7/1/12.

Cigarette Tax Stamps: Requires local tax stamps or meter impressions used to evidence payment of local cigarette taxes to use the same technology as state cigarette tax stamps.
H.B. 277/S.B. 394 enacted 3/6/12 & 3/13/12 and effective 1/1/13.

Fire Safety Standards for Cigarettes: Eliminates an exemption that allowed wholesalers and retailers to sell cigarettes that were stamped prior to January 1, 2010 and did not meet the fire safety requirements.
H.B. 1088/S.B. 307 enacted 3/1/12 & 3/8/12 and effective 7/1/12.

Tobacco Taxes: Sets a limit for how many cartons of tax paid cigarettes a person can possess, and establishes criminal and civil penalties for violation. Exempts authorized holders as defined from this possession limit.
H.B. 479/S.B. 347 enacted 3/23/12 & 3/30/12 and effective 7/1/12.

Use of Tobacco Settlement Dollars: Allows Master Settlement Agreement dollars dedicated to the Tobacco Indemnification and Community Revitalization Fund to be used for scientific research to advance the treatment and advancement of cancer that directly impact tobacco-dependent communities at Virginia research institutes.
H.B. 1182 enacted 4/5/12 and effective 7/1/12.