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# SENATE BILL NO. 789

Offered January 23, 2026

*A BILL to amend and reenact § 59.1-293.16 of the Code of Virginia, relating to liquid nicotine and nicotine vapor products; certification.*

Patron—Reeves

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That § 59.1-293.16 of the Code of Virginia is amended and reenacted as follows:**

**§ 59.1-293.16. Liquid nicotine and nicotine vapor product; certification; penalty.**

A. By ~~December 31, 2025~~ *July 1, 2027*, and annually thereafter, every manufacturer of liquid nicotine or nicotine vapor products that are sold for retail sale in the Commonwealth, whether directly or through a wholesaler, distributor, retailer, or similar intermediary, shall certify in a form and manner as prescribed by the Attorney General that the manufacturer agrees to comply with the provisions of this chapter and that:

1. The manufacturer has received a marketing authorization or similar order for the liquid nicotine or nicotine vapor product from the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j; or

2. The liquid nicotine or nicotine vapor product was marketed in the United States as of August 8, 2016, or the manufacturer submitted a premarket tobacco product application for the liquid nicotine or nicotine vapor product to the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j and the application either remains under review by the U.S. Food and Drug Administration or a final decision on the application has not otherwise taken effect.

B. A manufacturer of liquid nicotine or nicotine vapor products shall submit a certification form for each liquid nicotine and nicotine vapor product that such manufacturer sells for retail sale in the Commonwealth.

C. Each certification form shall be accompanied by:

1. A copy of the marketing authorization or other order for each liquid nicotine or nicotine vapor product issued by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j, or evidence that the premarket tobacco product application for the liquid nicotine or nicotine vapor product was submitted to the U.S. Food and Drug Administration and a final authorization or order has not yet taken effect;

2. A fee of $2,000 for each liquid nicotine and nicotine vapor product, to be remitted with the manufacturer's first certification submission that identifies any such product and with any resubmission of a certification for any such product following any period of noncertified status; and

3. A fee of $500 to be submitted annually for each liquid nicotine and nicotine vapor product to be remitted with the manufacturer's annual recertification submission identifying any liquid nicotine or nicotine vapor product, where such recertification does not follow any period of noncertified status.

D. A manufacturer required to submit a certification pursuant to this section shall notify the Attorney General within 30 days of any material change to the certification form, including the issuance or denial of a marketing authorization or other order or action by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j, or any other order or action by the U.S. Food and Drug Administration that affects the ability of the liquid nicotine or nicotine vapor product to be introduced or delivered into interstate commerce for commercial distribution in the United States.

E. Any manufacturer that falsely represents any of the information required by this section is guilty of a Class 3 misdemeanor for each false representation. Venue for prosecution of a violation of this subsection shall be proper in the Circuit Court for the City of Richmond.

INTRODUCED

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