



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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TO: Manufacturers, Wholesales, Distributors, Retailers & Similar Intermediaries of Liquid Nicotine and Nicotine Vapor Products

FROM: Office of the Attorney General

DATE: March 24, 2026

RE: Liquid Nicotine and Nicotine Vapor Product Enforcement

Please be advised, the Office of the Attorney General is recommending enforcement beginning April 1, 2026, against unauthorized liquid nicotine and nicotine vapor products that are not listed on the state directory. The information shared below explains the previous activity around enforcement and the basis of the Office of the Attorney General's current recommendation.

On Wednesday, February 4, 2026, the U.S. Court of Appeals for the Fourth Circuit granted a motion to stay the injunction granted by the U.S. District Court on December 19, 2025 that enjoined the Attorney General from enforcing Va. Code §§ 59.1- 293.17(D) and 59.1-293.20(A) through (D), as well as any enforcement actions predicated on those provisions, including enforcement actions under Va. Code §§ 59.1-293.16 and 59.1-293.21. The Fourth Circuit is holding the appeal in abeyance pending the decision in another case out of North Carolina, *Vapor Technology Association v. Wooten*, No. 25-1745). The law requiring retailers, distributors and wholesalers to either sell any liquid nicotine and nicotine vapor products not listed in the directory or remove them from their inventory and return them to the manufacturer for disposal within sixty (60) days from the date the Attorney General first made the directory available is currently in effect. As the directory was published on January 1, 2026, the sixty (60) day period imposed by Va. Code § 59.1-293.20 expires March 1, 2026. The directory is available online at <https://www.oag.state.va.us/liquid-nicotine-nicotine-vape-product-directory/directory>.

Because the injunction and its subsequent stay created confusion within the industry regarding the deadline for compliance, the Attorney General issued a recommendation to the Commonwealth's Attorneys to delay enforcement until April 1 to provide an adjustment period to allow retailers, distributors and wholesalers to comply with the removal and disposal requirements regarding products not listed in the directory. This adjustment period is intended to ensure that all affected parties have adequate time to comply with the law.

Beginning April 1, 2026, compliance with Va. Code § 59.1-293.20 will be enforced. Retailers, distributors and manufacturers found to be selling liquid nicotine or nicotine vapor products not included in the directory in violation of Va. Code § 59.1-293.20 are subject to a fine of \$1,000 per product per day, until such product is either removed from the market or properly listed in the directory.

The Attorney General, the attorney for the Commonwealth, and the attorney for the county, city, or town where the violation occurs are all authorized to pursue enforcement action for such violations.

Thank you for your time and attention to this matter.