

WEST VIRGINIA LEGISLATURE
2017 FIRST EXTRAORDINARY SESSION

Introduced
House Bill 109

BY DELEGATE PUSHKIN

[Introduced May 16, 2017; Referred
to the Committee on Finance.]

1 A BILL to amend and reenact §16A-9-1, enacted during the 2017 Regular Session of the
 2 Legislature, as an amendment to the Code of West Virginia, 1931, as amended, relating
 3 to making medical cannabis subject to the consumer sales and service tax.

Be it enacted by the Legislature of West Virginia:

1 That §16A-9-1, enacted during the 2017 Regular Session of the Legislature, be amended
 2 and reenacted as an amendment to the Code of West Virginia, 1931, as amended, to read as
 3 follows:

ARTICLE 9. TAX ON MEDICAL CANNABIS.

§16A-9-1. Tax on medical cannabis.

1 (a) *Tax imposed.* — A tax is imposed on the gross receipts of a grower/processor received
 2 from the sale of medical cannabis by a grower/processor to a dispensary, to be paid by the
 3 grower/processor, at the rate of ten percent. The tax shall be charged against and be paid by the
 4 grower/processor and shall not be added as a separate charge or line item on any sales slip,
 5 invoice, receipt or other statement or memorandum of the price paid by a dispensary, patient or
 6 caregiver.

7 (b) *Payment of tax and reports.* — A grower/processor shall make quarterly payments
 8 under this section for each calendar quarter at the rate prescribed in subsection (a) on the gross
 9 receipts for the calendar quarter. The tax shall be due and payable on the 20th day of January,
 10 April, July and October for the preceding calendar quarter on a form prescribed by the Department
 11 of Revenue.

12 (c) *Deposit of proceeds.* — All money received from the tax imposed under subsection (a)
 13 shall be deposited into the fund.

14 (d) ~~Exemption.~~ Consumer sales and service tax. — Medical cannabis shall not be subject
 15 to a sales tax the consumers sales and service tax established in section three, article fifteen,
 16 chapter eleven of this code.

17 (e) *Information.* — A grower/processor that sells medical cannabis shall provide to the

18 Department of Revenue information required by the bureau.

NOTE: The purpose of this bill is to allow the collection of sales tax on medical cannabis.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.