

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 533**

BY SENATORS TARR, BALDWIN, ROBERTS, HAMILTON,

JEFFRIES, MARTIN, PLYMALE, AND NELSON

[Passed March 12, 2022; in effect 90 days from passage]



1 AN ACT amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; to amend  
2 said code by adding thereto a new section, designated §11-19-13; and to amend said  
3 code by adding thereto a new section, designated §33-3-14e, all relating to funding for  
4 health sciences and medical schools in this state; eliminating the direction of proceeds of  
5 the soda tax into special medical school fund; providing for the eventual elimination of the  
6 tax; providing for a sunset date; directing a portion of insurance premium tax to health  
7 sciences and medical schools in this state; setting out findings; providing for specific  
8 amounts to be directed to Health Sciences Center at West Virginia University, Marshall  
9 University School of Medicine, and West Virginia school of Osteopathic Medicine;  
10 providing for effective dates, providing for quarterly distribution for dedicated fund; and  
11 providing that the additional dedicated amounts directed from premium tax in addition to  
12 the base appropriations to these schools shall not limit or reduce total appropriation to the  
13 health sciences and medical schools.

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

## **CHAPTER 11. TAXATION.**

### **ARTICLE 19. SOFT DRINKS TAX.**

#### **§11-19-2. Excise tax on bottled soft drinks, syrups and dry mixtures; disposition thereof.**

1 (a) An excise tax is levied and imposed on and after midnight of June 30, 1951, upon the  
2 sale, use, handling or distribution of all bottled soft drinks and all soft drink syrups, whether  
3 manufactured within or without this state, as follows:

4 (1) On each bottled soft drink, a tax of one cent on each sixteen and nine-tenths fluid  
5 ounces, or fraction thereof, or on each one-half liter, or fraction thereof contained therein.

6 (2) On each gallon of soft drink syrup, a tax of 80 cents, and in like ratio on each part  
7 gallon thereof, or on each four liters of soft drink syrup a tax of 84 cents, and in like ratio on each  
8 part four liters thereof.

9 (3) On each ounce by weight of dry mixture or fraction thereof used for making soft drinks,  
10 a tax of one cent or on each 28.35 grams, or fraction thereof, a tax of 1 cent.

11 (b) Any person manufacturing or producing within this state any bottled soft drink or soft  
12 drink syrup for sale within this state and any distributor, wholesale dealer or retail dealer or any  
13 other person who is the original consignee of any bottled soft drink or soft drink syrup  
14 manufactured or produced outside this state, or who brings such drinks or syrups into this state,  
15 shall be liable for the excise tax hereby imposed. The excise tax imposed shall not be collected  
16 more than once in respect to any bottled soft drink or soft drink syrup manufactured, sold, used  
17 or distributed in this state.

18 (c) The changes made to this section during the regular session of the Legislature, 2022,  
19 shall be effective July 1, 2022.

**§11-19-13. Effective date of repeal of article.**

1 Effective July 1, 2024, the provisions of this article shall become ineffective, and the entire  
2 article shall be repealed. The soft drink tax authorized for collection shall no longer be imposed  
3 or collected after that date.

**CHAPTER 33. INSURANCE**

**ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.**

**§33-3-14e. Use of insurance premium tax proceeds to support health sciences and medical schools.**

1 (a) The Legislature recognizes that the schools of medicine, dentistry, nursing, and related  
2 programs of the Health Sciences Center of West Virginia University School of Medicine; the  
3 Medical School at Marshall University; and the West Virginia School of Osteopathic Medicine,  
4 each provide critical, medical, and related health educational and service opportunities for the  
5 significant benefit of the residents of the State of West Virginia. The Legislature finds and declares  
6 that it should dedicate a portion of the insurance tax proceeds credited to the general fund as

7 contemplated by §33-3-14(c) of this code and §33-3-14a of this code to provide additional  
8 dedicated funds to the base of appropriation support for these schools.

9 (b) Effective July 1, 2022, to support these schools, and in addition to the base  
10 appropriations to these schools, the Governor shall include appropriations in each annual budget  
11 bill submitted to the Legislature from the amounts sent to the credit of the General Revenue Fund  
12 pursuant to §33-3-14(c) of this code and §33-3-14a of this code, as follows:

13 (1) To the schools of medicine, dentistry, nursing, and related programs of the Health  
14 Sciences Center of West Virginia University, \$14 million;

15 (2) To the School of Medicine at Marshall University, \$5,500,000; and

16 (3) To the West Virginia School of Osteopathic Medicine, \$3,900,000.

17 (c) These funds shall be dedicated quarterly from the collection of the insurance premium  
18 tax in the months of July, October, February, and April of each fiscal year. Each school as set  
19 forth in subsection (b) of this section shall receive their dedicated funds at the rate of one quarter  
20 of the full amount in each of those months.

21 (d) Nothing in this section shall be construed to limit or reduce the amount of total  
22 appropriations to schools of medicine, dentistry, nursing, and related programs of the Health  
23 Sciences Center of West Virginia University, the Medical School at Marshall University, and the  
24 West Virginia School of Osteopathic Medicine to the amounts contemplated by this section.



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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 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*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*