

# WEST VIRGINIA LEGISLATURE

## 2026 REGULAR SESSION

Introduced

### Senate Bill 866

FISCAL  
NOTE

By Senator Tarr

[Introduced February 9, 2026; referred  
to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
 2 designated §11-21-80, relating to personal income tax; and exempting capital gains from  
 3 gold, silver, and cryptocurrency.

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

**ARTICLE                    21.                    PERSONAL                    INCOME                    TAX.**

**§11-21-80. Capital gain tax exemption on gold, silver and cryptocurrency.**

1                    (a) For the purposes of this section:  
 2                    "Cryptocurrency" means a digital currency in which transactions are verified and records  
 3 maintained by a decentralized system using cryptography, rather than by a centralized authority.  
 4                    "Precious metal bullion" means coins, bars or rounds containing primarily refined gold and  
 5 silver that is marked and valued primarily by its weight, purity, and content; and  
 6                    (b) Gross income does not include any net capital gain derived from the exchange of  
 7 precious metal bullion and cryptocurrency and shall be exempt from income tax under this article.

NOTE: The purpose of this bill is to exempt capital gains tax on gold, silver, and cryptocurrency.

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