WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2821

By Delegates Cannon, Steele, Fluharty, Riley, Nestor, Storch and Espinosa

[Introduced January 19, 2023; Referred to the Committee on the Judiciary then Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12n. Taxation on gambling and lottery winnings.

Gains arising from gambling and lotteries are taxable as personal income. For the tax years beginning on or after January 1, 2023, when calculating gains, the taxpayer may deduct gambling and lottery losses up to the amount won for that year, but may not deduct the costs and expenses incurred in connection with the gambling and lottery activity. The taxpayer shall maintain detailed records substantiating losses if the taxpayer intends to deduct those losses. The taxpayer shall have the burden of proving any losses.

NOTE: The purpose of this bill is to allow gambling and lottery winnings to be written off against losses.

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