

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 668**

BY SENATORS MILLER, KESSLER AND STOLLINGS

[Introduced February 22, 2016;

Referred to the Committee on Finance.]

1 A BILL to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the excise tax on bottled soft drinks, syrups and dry mixtures; and dedicating  
3 the additional proceeds to the maintenance and operation of the Joan C. Edwards School  
4 of Medicine of Marshall University and the West Virginia School of Osteopathic Medicine  
5 beginning in the year 2016.

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

1 That §11-19-2 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 19. SOFT DRINKS TAX.**

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

1 (a) For the purpose of providing revenue for the construction, maintenance and operation  
2 of a four-year school of medicine, dentistry and nursing of West Virginia University, an excise tax  
3 is hereby levied and imposed on and after midnight of June 30, 1951, upon the sale, use, handling  
4 or distribution of all bottled soft drinks and all soft drink syrups, whether manufactured within or  
5 without this state, as follows:

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

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

11 (3) On each ounce by weight of dry mixture or fraction thereof used for making soft drinks,  
12 a tax of 1¢ or on each 28.35 grams, or fraction thereof, a tax of 1¢.

13 (b) (1) In addition to the provisions of subsection (a) of this section, an excise tax is hereby  
14 levied and imposed effective July 1, 2016, upon the sale, use, handling or distribution of all bottled  
15 soft drinks and all soft drink syrups, whether manufactured within or without this state, so that the

16 total excise tax levied and imposed by this amendment and section shall be as follows:

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

19 (B) On each gallon of soft drink syrup, a tax of 80¢, and in like ratio on each part four liters  
20 thereof.

21 (C) On each ounce by weight of dry mixture or fraction thereof used for making soft drinks,  
22 a tax of 1¢ on each 28.35 grams, or fraction thereof.

23 (2) Fifty percent of the total amount collected pursuant to this subsection shall be used for  
24 the continued maintenance and operation of the Joan C, Edwards School of Medicine of Marshall  
25 University; and

26 (3) Fifty percent of the total amount collected pursuant to this subsection shall be used for  
27 the continued maintenance and operation of the West Virginia School of Osteopathic Medicine.

28 (c) Any person manufacturing or producing within this state any bottled soft drink or soft  
29 drink syrup for sale within this state and any distributor, wholesale dealer or retail dealer or any  
30 other person who is the original consignee of any bottled soft drink or soft drink syrup  
31 manufactured or produced outside this state, or who brings such drinks or syrups into this state,  
32 shall be liable for the excise tax hereby imposed. The excise tax hereby imposed shall not be  
33 collected more than once in respect to any bottled soft drink or soft drink syrup manufactured,  
34 sold, used or distributed in this state.

35 ~~All~~ The revenue collected by the commissioner under the provisions of this article, less  
36 ~~such~~ the costs of administration as are hereinafter provided for, shall be paid by him or her into a  
37 special medical school fund, which is hereby ~~created~~ continued in the State Treasury, to be used  
38 solely for the ~~construction~~, maintenance and operation of a four-year school of medicine, dentistry  
39 and nursing of West Virginia University, the Joan C, Edwards School of Medicine of Marshall  
40 University, the West Virginia School of Osteopathic Medicine., as otherwise provided by law:

41 Provided, That any subaccounts necessary to ensure the revenue collected under this section is

- 42 applied in the proportions required by this section to the applicable school of medicine are hereby  
43 authorized.

NOTE: The purpose of this bill is to increase the excise tax on bottled soft drinks, syrups and dry mixtures; and dedicate the proceeds to the benefit of the four-year school of medicine, dentistry and nursing of West Virginia University, the Joan C, Edwards School of Medicine of Marshall University and the West Virginia School of Osteopathic Medicine beginning in Fiscal Year 2017. The increase is from one cent to two cents on the bottled soft drinks and proportionally on syrups and dry mixtures.

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