

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2303**

By Delegate Walker

[Introduced January 11, 2023; Referred to the  
Committee on Health and Human Resources then  
Finance]

1 A BILL to amend the Code of West Virginia 1931, as amended, by adding thereto a new section,  
 2 designated §11-21-12n, relating to tax exemption for funds from qualified retirement plans  
 3 used for long-term care.

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

**ARTICLE                    21.                    PERSONAL                    INCOME                    TAX.**

**§11-21-12n. Exemption for payment from certain retirement plans used for long-term care expense.**

1        For taxable years beginning on and after January 1, 2023, in addition to amounts  
 2 authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12(c) of this  
 3 code, any payment from a qualified retirement plan, including a pension or 401-K during the  
 4 taxable year, used to pay for long-term care at home or in a long-term care facility, for either the  
 5 taxpayer, the taxpayer’s spouse, parent, or a dependent as defined in section 152 of the Internal  
 6 Revenue Code of 1986, as amended, is an authorized modification reducing federal adjusted  
 7 gross income, but only to the extent the amount is not allowable as a deduction when arriving at  
 8 the taxpayer’s federal adjusted gross income for the taxable year in which the payment is made.  
 9 The maximum allowable reduction per taxpayer is \$100,000 per year.

NOTE: The purpose of this bill is to provide a tax exemption for income from a qualified retirement plan used to pay for long-term care.

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