WEST VIRGINIA CODE: §11-17-4

§11-17-4. Effect of rate changes; tobacco products on hand or in inventory; report; discount.

(a) Any cigarette tax stamps on hand or in inventory on the effective date of a rate change, whether affixed to the cigarette package, on hand but not affixed to the cigarette package or stamps purchased to be affixed by a meter, are considered to have been purchased or received on the effective date of the change in rate. Any tobacco products, on hand or in inventory other than cigarettes, on the effective date of any rate change are hereby considered to have been purchased or received on the effective date of the change in rate.

(b) Every wholesaler, subjobber, subjobber dealer, retail dealer and vending machine operator who, on the effective date of any rate change, has, on hand or in inventory, any tobacco products or cigarette tax stamps, whether affixed to the cigarette package, on hand but not affixed to the cigarette package, or stamps purchased to be affixed by a meter, and upon which the tax has not been paid or upon which the tax or any portion of the tax has been previously paid, shall take a physical inventory and shall file a report of the inventory with the Tax Commissioner, in the format required by the Tax Commissioner, and shall file the inventory within sixty days after the effective date of the rate change and shall pay to the Tax Commissioner any additional tax due under an increased rate within sixty days after the effective date of the rate change.

A discount of four percent shall be allowed on all tax due for persons who pay additional tax under this section.

(c) Imposition of the tax on tobacco products other than cigarettes shall be treated as a change in rate on the effective date of the tax.

(d) The changes set forth to this section and enacted in 2016 shall be effective on and after July 1, 2016.

WV Legislature