

STATE NAME: West Virginia

Effective Date: 8-1-2011

**Streamlined Sales Tax Governing Board  
Section 328 Taxability Matrix  
Library of Definitions**

Completed by: **Craig A. Griffith**  
E-mail address: **Craig.A.Griffith@WV.GOV**  
Phone number: **304-558-0751**  
Date Submitted: **8/1/2011**

Each of the items listed in the chart is defined in the Library of Definitions in the Streamlined Sales and Use Tax Agreement (SSUTA) as amended through December 13, 2010. Refer to Appendix C of the SSUTA for each definition.

Place an "X" in the appropriate column under the heading "Treatment of definition" to indicate the treatment of each definition in your state. If a product definition was not adopted by your state, enter "NA" in the column under the heading "Reference" and indicate in the "Treatment of definition" column the treatment of the product in your state. In accordance with the SSUTA, your state must adopt the definitions in the Library of Definitions that apply to your state without qualifications except for those allowed by the SSUTA. For this reason, do not enter any comments or qualifications in the two columns under the heading "Treatment of definition". If your state has adopted a definition in the Library of Definitions with a qualification not specified in the SSUTA, do not place an "X" in either column under the heading "Treatment of definition" but include a comment in the "Reference" column explaining the qualification. Enter the applicable statute/rule cite in the "Reference" column.

**Sellers and certified service providers are relieved from tax liability to the member state and its local jurisdictions for having charged and collected the incorrect amount of sales and use tax resulting from the seller or certified service provider relying on erroneous data provided by the member state relative to treatment of the terms defined in the Library of Definitions.**

<b>Administrative Definitions</b>	<b>Treatment of definition</b>	<b>Reference</b>
<b>Sales price: Identify how the options listed below are treated in your state. The following options may be excluded from the definition of sales price only if they are separately stated on the bill to the purchaser.</b>	<b>Included in Sales Price</b>	<b>Excluded from Sales Price</b>
<ul style="list-style-type: none"> <li>Charges by the seller for any services necessary to complete the sale other than delivery and installation</li> </ul>	X	WV Code §11-15B-2(b)(46)(A)(iii)
<ul style="list-style-type: none"> <li>Telecommunication nonrecurring charges</li> </ul>	X	
<ul style="list-style-type: none"> <li>Installation charges</li> </ul>	X	WV Code §11-15B-2(b)(46)(A)(v)
<ul style="list-style-type: none"> <li>Value of trade-in</li> </ul>		WV 110CSR15.3.4.5
<ul style="list-style-type: none"> <li>Delivery Charges for personal property or services other than direct mail. The following charges are included in the definition of sales price unless your state excludes them from sales price when such charges are separately stated on the bill to the purchaser. For responses below assume the charges are separately stated on the bill to the purchaser.</li> </ul>	X	Stature/Rule Cite/Comment
<ul style="list-style-type: none"> <li>Handling, crating, packing, preparation for mailing or delivery, and similar charges</li> </ul>	X	WV Code §11-15B-(b)(46)(A)(iv) and §11-15B-2(b)(12) and WV Tax Dept Adm Notice 09-20

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

<ul style="list-style-type: none"> <li>• Delivery Charges for direct mail. The following charges are included in the definition of sales price unless your state excludes them from sales price when such charges are separately stated on the bill to the purchaser. For responses below assume the charges are separately stated on the bill to the purchaser.</li> <li>• Handling, crating, packing, preparation for mailing or delivery, and similar charges</li> <li>• Transportation, shipping, and similar charges</li> <li>• Postage</li> </ul>	Included in Sales Price	Excluded from Sales Price	Statute/Rule Cite/Comment
<ul style="list-style-type: none"> <li>• Transportation, shipping, postage, and similar charges</li> </ul>	X		WV Code §11-15B-2(b)(46)(A)(ii) and §11-15B-2(b)(12) and WV Tax Dept Adm Notice 09-20
<ul style="list-style-type: none"> <li>• Handling, crating, packing, preparation for mailing or delivery, and similar charges</li> </ul>	X		WV Code §11-15B-2(b)(46)(A)(iv) and §11-15B-2(b)(12) and WV Tax Dept Adm Notice 09-20
<ul style="list-style-type: none"> <li>• Transportation, shipping, and similar charges</li> </ul>	X		WV Code §11-15B-2(b)(46)(A)(iv) and §11-15B-2(b)(12) and WV Tax Dept Adm Notice 09-20
<ul style="list-style-type: none"> <li>• Postage</li> </ul>	X		WV Code §11-15B-2(b)(46)(A)(iv) and §11-15B-2(b)(12) and WV Tax Dept Adm Notice 09-20
<b>Sales Tax Holidays</b>			
<b>Sales Tax Holidays: Does your state have a sales tax holiday?</b>	Yes	No	Statute/Rule Cite/Comment
If yes, indicate the tax treatment during your state sales tax holiday for the following products:	Amount of Threshold	Taxable	Exempt
<ul style="list-style-type: none"> <li>• All Energy star qualified products</li> </ul>	N/A	X	The sales tax holiday for purchases of energy efficient products, as provided for in WV Code §11-15-9k, ended on November 30, 2010 at 11:59 p.m. eastern daylight time.
<ul style="list-style-type: none"> <li>• Specific energy star qualified products or energy star qualified classifications</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>• All Disaster Preparedness Supply</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>• Specific Disaster Preparedness Supply</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>• Disaster preparedness general supply</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>• Disaster preparedness safety supply</li> </ul>			

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

> Disaster preparedness food-related supply					
> Disaster preparedness fastening supply					
• School supply		X			N/A
• School art supply		X			N/A
• School instructional material		X			N/A
• School computer supply		X			N/A
Other products defined in Part II of the Library of Definitions Included in your state sales tax holiday.	Amount of Threshold	Taxable	Exempt	Stature/Rule Cite/Comment	
• Clothing					N/A
• Computers		X			N/A
• Prewritten computer software					N/A
•					
•					
•					
<b>Product Definitions</b>					
<b>Clothing and related products</b>		<b>Taxable</b>	<b>Exempt</b>	<b>Stature/Rule Cite/Comment</b>	
• Clothing		X			WV Code §11-15B-2(b)(6)
> Essential clothing priced below a state specific threshold		X			N/A
> Fur clothing		X			WV Code §11-15B-2(b)(23)
• Clothing accessories or equipment		X			WV Code §11-15B-2(b)(7)
• Protective equipment		X			WV Code §11-15B-2(b)(42)
• Sport or recreational equipment		X			WV Code §11-15B-2(b)(55)
<b>Computer related products</b>		<b>Taxable</b>	<b>Exempt</b>	<b>Stature/Rule Cite/Comment</b>	
• Computer		X			WV Code §11-15B-2(b)(10)
• Prewritten computer software		X			WV Code §11-15B-2(b)(39)
• Prewritten computer software delivered electronically		X			N/A
• Prewritten computer software delivered via load and leave		X			WV Code §11-15B-2(b)(29)
• Non-prewritten (custom) computer software		X			N/A
• Non-prewritten (custom) computer software delivered electronically		X			N/A
• Non-prewritten (custom) computer software delivered via load and leave		X			N/A
<b>Mandatory computer software maintenance contracts</b>		<b>Taxable</b>	<b>Exempt</b>	<b>Stature/Rule Cite/Comment</b>	
• Mandatory computer software maintenance contracts with respect to prewritten computer software		X			N/A
• Mandatory computer software maintenance contracts with respect to prewritten computer software which is delivered electronically		X			N/A

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

	Taxable	Exempt	Statute/Rule Cite/Comment
<ul style="list-style-type: none"> <li>Mandatory computer software maintenance contracts with respect to prewritten computer software which is <b>delivered via load and leave</b></li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Mandatory computer software maintenance contracts with respect to non-<b>prewritten (custom) computer software</b></li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Mandatory computer software maintenance contracts with respect to non-<b>prewritten (custom) software which is delivered electronically</b></li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Mandatory computer software maintenance contracts with respect to non-<b>prewritten (custom) software which is delivered via load and leave</b></li> </ul>	X		N/A
<b>Optional computer software maintenance contracts</b>			
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>prewritten computer software that only provide updates or upgrades</b> with respect to the software</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>prewritten computer software that only provide updates or upgrades delivered electronically</b> with respect to the software</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>prewritten computer software that only provide updates or upgrades delivered via load and leave</b> with respect to the software</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>non-prewritten (custom) computer software that only provide updates or upgrades delivered electronically</b> with respect to the software</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>non-prewritten (custom) computer software that only provide updates or upgrades delivered via load and leave</b> with respect to the software</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>non-prewritten (custom) computer software that only provide support services to the software</b></li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>non-prewritten (custom) computer software that provide updates or upgrades and support services to the software</b></li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>non-prewritten (custom) computer software that provide updates or upgrades delivered electronically and support services to the software</b></li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to <b>non-prewritten (custom) computer software provide updates or upgrades delivered via load and leave and support services to the software</b></li> </ul>	X		N/A

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

Indicate your state's tax treatment for optional computer software maintenance contracts with respect to prewritten computer software sold for one non-itemized price that include updates and upgrades and/or support services. Use percentages in the taxable and exempt columns to denote tax treatment in your state. For example: if all taxable put 100% in the taxable column; if all nontaxable/exempt put 100% in the exempt column; if 50% taxable and 50% nontaxable/exempt put 50% in the taxable column and 50% in the exempt column.	Taxable Percentage	Exempt Percentage	Statute/Rule Cite/Comment
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to prewritten computer software that provide updates or upgrades and support services to the software</li> </ul>	100%		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to prewritten computer software that provide updates and upgrades delivered electronically and support services to the software</li> </ul>	100%		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to prewritten computer software that provide updates and upgrades delivered via load and leave and support services to the software</li> </ul>	100%		N/A
<ul style="list-style-type: none"> <li>Optional computer software maintenance contracts with respect to prewritten computer software that only provide support services to the software</li> </ul>	100%		N/A
<p><b>Digital products (excludes telecommunications services, ancillary services and computer software)</b></p> <p>A state imposing tax on products "transferred electronically" is not required to adopt definitions for specified digital products. ("Specified digital products" includes the defined terms: digital audio visual works; digital audio works; and digital books.) Does your state impose tax on products transferred electronically other than digital audio visual works, digital audio works, or digital books?</p>	Yes	No	Statute/Rule Cite/Comment
	<b>Taxable</b>	<b>Exempt</b>	<b>Statute/Rule Cite/Comment</b>
<ul style="list-style-type: none"> <li>Digital audio visual works sold to an end user with rights for permanent use</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>Digital audio works sold to an end user with rights for permanent use</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>Digital books sold to an end user with rights for permanent use</li> </ul>		X	N/A
<p>For transactions other than those included above, a state must specifically impose and separately enumerate a broader imposition of the tax.</p> <p>Does your state impose tax on:</p>	Yes	No	Statute/Rule Cite/Comment
<ul style="list-style-type: none"> <li>Digital audio visual works sold to users other than the end user.</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>Digital audio visual works sold with rights of use less than permanent use.</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>Digital audio visual works sold with rights of use conditioned on continued payment.</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>Digital audio works sold to users other than the end user.</li> </ul>		X	N/A
<ul style="list-style-type: none"> <li>Digital audio works sold with rights of use less than permanent.</li> </ul>		X	N/A

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

• Digital audio works sold with rights of use conditioned on continued payments.		X	N/A
• Digital books sold to users other than the end user.		X	N/A
• Digital books sold with rights of use less than permanent.		X	N/A
• Digital books sold with rights of use conditioned on continued payments.		X	N/A
Does your state treat subscriptions to products "transferred electronically" differently than a non-subscription purchase of such product?		X	N/A
<p><b>Section 332H provides that states may have product based exemptions for specific items within specified digital products. ("Specified digital products" includes the defined terms: digital audio visual works; digital audio works; and digital books.) List product based exemptions for specific items included in specified digital products.            Example: digital textbooks</b></p>			
• NA			
•			
•			
<b>Food and food products</b>	<b>Taxable</b>	<b>Exempt</b>	<b>Statute/Rule Cite/Comment</b>
• Food and food ingredients excluding alcoholic beverages and tobacco	X		WV Code §11-15B-2(b)(21)
◦ Candy	X		WV Code §11-15B-2(b)(5)
◦ Dietary Supplements	X		WV Code §11-15B-2(b)(13)
◦ Soft Drinks	X		WV Code §11-15B-2(b)(54)
◦ Bottled water	X		N/A
➤ Food sold through vending machines	X		WV Code §11-15B-2(b)(22)
➤ Prepared Food	X		WV Code §11-15B-2(b)(37)
<p><b>Prepared food options - The following food items heated, mixed or combined by the seller are included in the definition of prepared food unless a state elects to exclude them from the definition of prepared food. Such food items excluded from prepared food are taxed the same as food and food ingredients. (Indicate how the options for the following food items that otherwise meet the definition of prepared food are treated in your state.)</b></p>			
➤ Food sold without eating utensils provided by the seller whose primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries)		X	WV Code §§11-15B-2(b)(37)(A)(iii) and (37)(C)(i)
➤ Food sold without eating utensils provided by the seller in an unheated state by weight or volume as a single item		X	WV Code §§11-15B-2(b)(37)(A)(iii) and (37)(C)(ii)
➤ Bakery items sold without eating utensils provided by the seller, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish,		X	WV Code §§11-15B-2(b)(37)(A)(iii) and (37)(C)(iii)

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

Health-care products Drugs (indicate how the options are treated in your state)	Taxable	Exempt	Statute/Rule Cite/Comment
<ul style="list-style-type: none"> <li>cakes, torres, pies, tarts, muffins, bars, cookies, tortillas</li> </ul>			
<b>Drugs for human use</b>			
<ul style="list-style-type: none"> <li>Drugs for human use without a prescription</li> </ul>	X		WV Code §11-15B-2(b)(15) and WV Code of State Rules 110CSR15.2.29 and 110 CSR15.92.3
<ul style="list-style-type: none"> <li>Drugs for human use with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7, 110CSR15.92.1 and TSD-300 (Rev. January 2011)
<ul style="list-style-type: none"> <li>Insulin for human use without a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), WV Code of State Rules 110CSR15.9.2.7 and 110CSR15.92.1
<ul style="list-style-type: none"> <li>Insulin for human use with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(38) and WV Code of State Rules 110CSR15.9.2.7 and 110CSR15.92.1
<ul style="list-style-type: none"> <li>Medical oxygen for human use without a prescription</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Medical oxygen for human use with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7 and 110CSR15.92.1
<ul style="list-style-type: none"> <li>Over-the-counter drugs for human use without a prescription</li> </ul>	X		WV Code §11-15B-2(b)(34) and WV Code of State Rules 110CSR15.92.3 and TSD-377 (Rev. April, 1993)
<ul style="list-style-type: none"> <li>Over-the-counter drugs for human use with a prescription</li> </ul>		X	WV Code §11-15B-2(b)(34)
<ul style="list-style-type: none"> <li>Grooming and hygiene products for human use</li> </ul>	X		WV Code §11-15B-2(b)(25)
<ul style="list-style-type: none"> <li>Drugs for human use to hospitals</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15B-2(b)(15), §11-15-9i, WV Code of State Rules 110CSR15.36.1TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

<ul style="list-style-type: none"> <li>Drugs for human use to other medical facilities</li> </ul>	X	WV Code §11-15-9(a)(11), §11-15-9i, WV Code of State Rules 110CSR15C.3.3, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Prescription drugs for human use to hospitals</li> </ul>	X	WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7, 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Prescription drugs for human use to other medical facilities</li> </ul>	X	WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7, 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Free samples of drugs for human use</li> </ul>	X	WV Code §11-15B-2(b)(15)
<ul style="list-style-type: none"> <li>Free samples of prescription drugs for human use</li> </ul>	X	WV Code §11-15-9(a)(11) and §11-15B-2(b)(15) and (38)
<b>Drugs for animal use</b>		
<ul style="list-style-type: none"> <li>Drugs for animal use without a prescription</li> </ul>	X	N/A
<ul style="list-style-type: none"> <li>Drugs for animal use with a prescription</li> </ul>	X	WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7, 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Insulin for animal use without a prescription</li> </ul>	X	WV Code §11-15-9(a)(11) WV Code of State Rules 110CSR15.9.2.7 and 110CSR15.92.1
<ul style="list-style-type: none"> <li>Insulin for animal use with a prescription</li> </ul>	X	WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(38) and WV Code of State Rules 110CSR15.9.2.7 and 110CSR15.92.1
<ul style="list-style-type: none"> <li>Medical oxygen for animal use without a prescription</li> </ul>	X	N/A

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

<ul style="list-style-type: none"> <li>Medical oxygen for animal use with a prescription</li> </ul>	X		WV Code §11-15-9(a)(11), §11-15-9i,
<ul style="list-style-type: none"> <li>Over-the-counter drugs for animal use without a prescription</li> </ul>	X		WV Code §11-15B-2(b)(34) and WV Code of State Rules 110CSR15.92.3 and TSD-377 (Rev. April, 1993)
<ul style="list-style-type: none"> <li>Over-the-counter drugs for animal use with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11) , §11-15-9i, §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7, 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Grooming and hygiene products for animal use</li> </ul>	X		WV Code §11-15B-2(b)(25) definition only
<ul style="list-style-type: none"> <li>Drugs for animal use to veterinary hospitals and other animal medical facilities</li> <li>Prescription drugs for animal use to hospitals and other animal medical facilities</li> </ul>	X	X	N/A WV Code §11-15-9(a)(11) , §11-15-9i, §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.2.29, 110CSR15.9.2.7, 110CSR15.92.1and TSD-300 (Rev. January 2011)
<ul style="list-style-type: none"> <li>Free samples of drugs for animal use</li> <li>Free samples of prescription drugs for animal use</li> </ul>	X	X	N/A WV Code §11-15-9(a)(11), §11-15B-2(b)(15) and (38)
<b>Durable medical equipment (indicate how the options are treated in your state)</b>		<b>Taxable</b>	<b>Exempt</b>
<ul style="list-style-type: none"> <li>Durable medical equipment, <u>not for home use</u>, without a prescription</li> <li>Durable medical equipment, <u>not for home use</u>, with a prescription</li> </ul>	X	X	WV Code §11-15B-2(b)(16) WV Code §11-15-9(a)(11), §11-15-9i, §11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Durable medical equipment, <u>not for home use</u>, with a prescription paid for by Medicare</li> <li>Durable medical equipment, <u>not for home use</u>, with a prescription reimbursed by Medicare</li> <li>Durable medical equipment, <u>not for home use</u>, with a prescription paid for by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38) WV Code §§11-15B-2(b)(16) and (38) WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Durable medical equipment, <u>not for home use</u>, with a prescription reimbursed</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

by Medicaid				(38)
• Durable medical equipment for home use without a prescription	X			WV Code §§11-15B-2(b)(16) and (38)
• Durable medical equipment for home use with a prescription		X		WV Code §11-15-9(a)(11) , §11-15-9i, §§11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
• Durable medical equipment for home use with a prescription paid for by Medicare			X	WV Code §§11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
• Durable medical equipment for home use with a prescription reimbursed by Medicare			X	WV Code §§11-15B-2(b)(16) and (38)
• Durable medical equipment for home use with a prescription paid for by Medicaid			X	WV Code §§11-15B-2(b)(16) and (38)
• Durable medical equipment for home use with a prescription reimbursed by Medicaid		X		WV Code §§11-15B-2(b)(16) and (38)
• Oxygen delivery equipment, <u>not for home use</u> , without a prescription			X	WV Code §§11-15-9(a)(11) WV Code §§11-15B-2(b)(16) and (38)
• Oxygen delivery equipment, <u>not for home use</u> , with a prescription			X	WV Code §§11-15B-2(b)(16) and (38)
• Oxygen delivery equipment, <u>not for home use</u> , with a prescription paid for by Medicare			X	WV Code §§11-15B-2(b)(16) and (38) definitions only
• Oxygen delivery equipment, <u>not for home use</u> , with a prescription reimbursed by Medicare			X	WV Code §§11-15B-2(b)(16) and (38)
• Oxygen delivery equipment, <u>not for home use</u> , with a prescription paid for by Medicaid			X	WV Code §§11-15B-2(b)(16) and (38)
• Oxygen delivery equipment, <u>not for home use</u> , with a prescription reimbursed by Medicaid		X		WV Code §§11-15B-2(b)(16) and (38)
• Oxygen delivery equipment for home use without a prescription			X	WV Code §§11-15-9(a)(11) WV Code §§11-15B-2(b)(16) and (38)

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

<ul style="list-style-type: none"> <li>Oxygen delivery equipment for home use with a prescription paid for by Medicare</li> </ul>		X	WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Oxygen delivery equipment for home use with a prescription reimbursed by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Oxygen delivery equipment for home use with a prescription paid for by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Oxygen delivery equipment for home use with a prescription reimbursed by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment, <u>not for home use</u>, without a prescription</li> </ul>	X		WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment, <u>not for home use</u>, with a prescription</li> </ul>		X	WV Code §§11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment, <u>not for home use</u>, with a prescription paid for by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment, <u>not for home use</u>, with a prescription reimbursed by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment, <u>not for home use</u>, with a prescription paid for by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment, <u>not for home use</u>, with a prescription reimbursed by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment for home use without a prescription</li> </ul>	X		WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment for home use with a prescription</li> </ul>		X	WV Code §§11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment for home use with a prescription paid for by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)
<ul style="list-style-type: none"> <li>Kidney dialysis equipment for home use with a prescription reimbursed by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(16) and (38)

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

Medicare					
<ul style="list-style-type: none"> <li>Kidney dialysis equipment for home use with a prescription paid for by Medicaid</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Kidney dialysis equipment for home use with a prescription reimbursed by Medicaid</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems, <u>not for home use</u>, without a prescription</li> </ul>	X		(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems, <u>not for home use</u>, with a prescription</li> </ul>		X	(38)	WV Code §§11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)	
<ul style="list-style-type: none"> <li>Enteral feeding systems, <u>not for home use</u>, with a prescription paid for by Medicare</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems, <u>not for home use</u>, with a prescription reimbursed by Medicare</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems, <u>not for home use</u>, with a prescription paid for by Medicaid</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems, <u>not for home use</u>, with a prescription reimbursed by Medicaid</li> </ul>	X		(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems for home use without a prescription</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems for home use with a prescription</li> </ul>		X	(38)	WV Code §§11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(16) and (38), WV Code of State Rules 110CSR15C.3.2, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)	
<ul style="list-style-type: none"> <li>Enteral feeding systems for home use with a prescription paid for by Medicare</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems for home use with a prescription reimbursed by Medicare</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems for home use with a prescription paid for by Medicaid</li> </ul>		X	(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Enteral feeding systems for home use with a prescription reimbursed by Medicaid</li> </ul>	X		(38)	WV Code §§11-15B-2(b)(16) and (38)	
<ul style="list-style-type: none"> <li>Repair and replacement parts for durable medical equipment which are for single patient use</li> </ul>	X		(38)	WV Code §§11-15B-2(b)(16)(A) and (38)	

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

Mobility enhancing equipment (indicate how the options are treated in your state)	Taxable	Exempt	Statute/Rule Cite/Comment
<ul style="list-style-type: none"> <li>Mobility enhancing equipment without a prescription</li> </ul>	X		WV Code §§11-15B-2(b)(30) and (38)
<ul style="list-style-type: none"> <li>Mobility enhancing equipment with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(30) and (38), WV Code of State Rules 110CSR15C.3.4, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Mobility enhancing equipment with a prescription paid for by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(30) and (38)
<ul style="list-style-type: none"> <li>Mobility enhancing equipment with a prescription reimbursed by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(30) and (38)
<ul style="list-style-type: none"> <li>Mobility enhancing equipment with a prescription paid for by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(30) and (38)
<ul style="list-style-type: none"> <li>Mobility enhancing equipment with a prescription reimbursed by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(30) and (38)
<b>Prosthetic devices (indicate how the options are treated in your state)</b>	<b>Taxable</b>	<b>Exempt</b>	<b>Statute/Rule Cite/Comment</b>
<ul style="list-style-type: none"> <li>Prosthetic devices without a prescription</li> </ul>	X		WV Code §§11-15B-2(b)(38) and (41)
<ul style="list-style-type: none"> <li>Prosthetic devices with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(38) and (41), TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
<ul style="list-style-type: none"> <li>Prosthetic devices with a prescription paid for by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(38) and (41)
<ul style="list-style-type: none"> <li>Prosthetic devices with a prescription reimbursed by Medicare</li> </ul>		X	WV Code §§11-15B-2(b)(38) and (41)
<ul style="list-style-type: none"> <li>Prosthetic devices with a prescription paid for by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(38) and (41)
<ul style="list-style-type: none"> <li>Prosthetic devices with a prescription reimbursed by Medicaid</li> </ul>		X	WV Code §§11-15B-2(b)(38) and (41)
<ul style="list-style-type: none"> <li>Corrective eyeglasses without a prescription</li> </ul>	X		N/A
<ul style="list-style-type: none"> <li>Corrective eyeglasses with a prescription</li> </ul>		X	WV Code §11-15-9(a)(11), §11-15-9i, WV Code §§11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.92.1, TSD-300 (Rev. 2010)

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

• Corrective eyeglasses with a prescription paid for by Medicare				January 2011) and TSD-425 (Rev. May 2010)
• Corrective eyeglasses with a prescription reimbursed by Medicare		X		N/A
• Corrective eyeglasses with a prescription paid for by Medicaid		X		N/A
• Corrective eyeglasses with a prescription reimbursed by Medicaid		X		N/A
• Contact lenses without a prescription		X		N/A
• Contact lenses with a prescription		X		WV Code §11-15-9(a)(11), §11-15-9i, WV Code §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
• Contact lenses with a prescription paid for by Medicare		X		N/A
• Contact lenses with a prescription reimbursed by Medicare		X		N/A
• Contact lenses with a prescription paid for by Medicaid		X		N/A
• Contact lenses with a prescription reimbursed by Medicaid		X		N/A
• Hearing aids without a prescription	X			N/A
• Hearing aids with a prescription		X		WV Code §11-15-9(a)(11), §11-15-9i, WV Code §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
• Hearing aids with a prescription paid for by Medicare		X		N/A
• Hearing aids with a prescription reimbursed by Medicare		X		N/A
• Hearing aids with a prescription paid for by Medicaid		X		N/A
• Hearing aids with a prescription reimbursed by Medicaid		X		N/A
• Dental prosthesis without a prescription	X			N/A
• Dental prosthesis with a prescription		X		WV Code §11-15-9(a)(11), §11-15-9i, WV Code §11-15B-2(b)(15) and (38), WV Code of State Rules 110CSR15.92.1, TSD-300 (Rev. January 2011) and TSD-425 (Rev. May 2010)
• Dental prosthesis with a prescription paid for by Medicare		X		N/A
• Dental prosthesis with a prescription reimbursed by Medicare		X		N/A
• Dental prosthesis with a prescription paid for by Medicaid		X		N/A
• Dental prosthesis with a prescription reimbursed by Medicaid		X		N/A

STATE NAME: West Virginia  
 Effective Date: 8-1-2011

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

Telecommunications & related products	Taxable	Exempt	Statute/Rule Cite/Comment
• Ancillary Services			WV Code §11-15B-20(2)
➢ Conference bridging service	X		WV Code §11-15B-2b(b)(2)(D)-definition only
➢ Detailed telecommunications billing service		X	WV Code §11-15B-2b(b)(2)(E)-definition only
➢ Directory assistance		X	WV Code §11-15B-2b(b)(2)(F)-definition only
➢ Vertical service		X	WV Code §11-15B-2b(b)(2)(P)-definition only
➢ Voice mail service		X	WV Code §11-15B-2b(b)(2)(Q)-definition only
<b>Telecommunications (Indicate how the options are treated in your state)</b>	<b>Taxable</b>	<b>Exempt</b>	<b>Statute/Rule Cite/Comment</b>
• Intrastate Telecommunications Service		X	WV Code §11-15B-2b(b)(2)(J)-definition only
• Interstate Telecommunications Service		X	WV Code §11-15B-2b(b)(2)(I)-definition only
• International Telecommunications Service		X	WV Code §11-15B-2b(b)(2)(H)
• International 800 service		X	WV Code §11-15B-2b(b)(2)(A) and (H)
• International 900 service		X	WV Code §11-15B-2b(b)(2)(B) and (H)
• International fixed wireless service		X	WV Code §11-15B-2b(b)(2)(G) and (H)
• International mobile wireless service		X	WV Code §11-15B-2b(b)(2)(H) and (K)
• International prepaid calling service		X	WV Code §11-15B-2b(b)(2)(H) and 11-15B-20(12)
• International prepaid wireless calling service	X		WV Code §11-15B-2b(b)(2)(H) and 11-15B-20(13)
• International private communications service		X	WV Code §11-15B-2b(b)(2)(H) and 11-15B-20(14)
• International value-added non-voice data service		X	WV Code §11-15B-2b(b)(2)(H) and (O)
• International residential telecommunications service		X	WV Code §11-15B-2b(b)(2)(H) and (N)
• Interstate 800 service		X	WV Code §11-15B-2b(b)(2)(A)

STATE NAME: West Virginia  
 Effective Date: **8-1-2011**

Streamlined Sales Tax Governing Board  
 Section 328 Taxability Matrix  
 Library of Definitions

• Interstate 900 service		X	and (I) WV Code §§11-15B-2b(b)(2)(B) and (I)
• Interstate fixed wireless service		X	WV Code §§11-15B-2b(b)(2)(G) and (I)
• Interstate mobile wireless service		X	WV Code §§11-15B-2b(b)(2)(I) and (K)
• Interstate prepaid calling service		X	WV Code §§11-15B-2b(b)(2)(I) and 11-15B-20(12)
• Interstate prepaid wireless calling service	X	X	WV Code §§11-15B-2b(b)(2)(I) and 11-15B-20(13)
• Interstate private communications service		X	WV Code §§11-15B-2b(b)(2)(I) and 11-15B-20(14)
• Interstate value-added non-voice data service		X	WV Code §§11-15B-2b(b)(2)(I) and (O)
• Interstate residential telecommunications service		X	WV Code §§11-15B-2b(b)(2)(I) and (N)
• Intrastate 800 service		X	WV Code §§11-15B-2b(b)(2)(A) and (J)
• Intrastate 900 service		X	WV Code §§11-15B-2b(b)(2)(B) and (J)
• Intrastate fixed wireless service		X	WV Code §§11-15B-2b(b)(2)(G) and (J)
• Intrastate mobile wireless service		X	WV Code §§11-15B-2b(b)(2)(J) and (K)
• Intrastate prepaid calling service		X	WV Code §§11-15B-2b(b)(2)(J) and 11-15B-20(12)
• Intrastate prepaid wireless calling service	X	X	WV Code §§11-15B-2b(b)(2)(J) and 11-15B-20(13)
• Intrastate private communications service		X	WV Code §§11-15B-2b(b)(2)(J) and 11-15B-20(14)
• Intrastate value-added non-voice data service		X	WV Code §§11-15B-2b(b)(2)(J) and (O)
• Intrastate residential telecommunications service		X	WV Code §§11-15B-2b(b)(2)(J) and (N)
• Paging service		X	WV Code §§11-15B-2b(b)(2)(L)
• Coin-operated telephone service		X	WV Code §§11-15B-2b(b)(2)(C)
• Pay telephone service		X	WV Code §§11-15B-2b(b)(2)(M)
• Local Service as defined by _____ (state)		X	

