
SUBSTITUTE HOUSE BILL 1324

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Finance (originally sponsored by Representatives Hunter, Lovick, Alexander, Simpson, Ericks, Dickerson, Dunn, Morrell, McDonald, Conway, Linville, Wallace and Schual-Berke)

READ FIRST TIME 02/20/07.

1 AN ACT Relating to sales and use tax exemptions for prescribed
2 durable medical equipment used in the home and prescribed mobility
3 enhancing equipment; and amending RCW 82.08.0283, 82.12.0277,
4 82.08.803, and 82.12.803.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 82.08.0283 and 2004 c 153 s 101 are each amended to
7 read as follows:

8 (1) The tax levied by RCW 82.08.020 shall not apply to sales of:

9 (a) Prosthetic devices prescribed, fitted, or furnished for an
10 individual by a person licensed under the laws of this state to
11 prescribe, fit, or furnish prosthetic devices and the components of
12 such prosthetic devices;

13 (b) Medicines of mineral, animal, and botanical origin prescribed,
14 administered, dispensed, or used in the treatment of an individual by
15 a person licensed under chapter 18.36A RCW; (~~and~~)

16 (c) Medically prescribed oxygen, including, but not limited to,
17 oxygen concentrator systems, oxygen enricher systems, liquid oxygen
18 systems, and gaseous, bottled oxygen systems prescribed for an

1 individual by a person licensed under chapter 18.57 or 18.71 RCW for
2 use in the medical treatment of that individual; and

3 (d) Mobility enhancing equipment prescribed by a person licensed
4 under the laws of this state to prescribe such equipment, and the
5 components of such mobility enhancing equipment.

6 (2) In addition, the tax levied by RCW 82.08.020 shall not apply to
7 charges made for labor and services rendered in respect to the
8 repairing, cleaning, altering, or improving of any of the items
9 exempted under subsection (1) of this section.

10 (3) The exemption in subsection (1) of this section shall not apply
11 to sales of durable medical equipment (~~(or mobility enhancing~~
12 ~~equipment)) other than as specified in subsection (1)(c) of this
13 section.~~

14 (4) The definitions in this subsection apply throughout this
15 section.

16 (a) "Prosthetic device" means a replacement, corrective, or
17 supportive device, including repair and replacement parts for a
18 prosthetic device, worn on or in the body to:

- 19 (i) Artificially replace a missing portion of the body;
- 20 (ii) Prevent or correct a physical deformity or malfunction; or
- 21 (iii) Support a weak or deformed portion of the body.

22 (b) "Durable medical equipment" means equipment, including repair
23 and replacement parts for durable medical equipment that:

- 24 (i) Can withstand repeated use;
- 25 (ii) Is primarily and customarily used to serve a medical purpose;
- 26 (iii) Generally is not useful to a person in the absence of illness
27 or injury; and
- 28 (iv) (~~Does not work~~) Is not worn in or on the body.

29 (c) "Mobility enhancing equipment" means equipment, including
30 repair and replacement parts for mobility enhancing equipment that:

- 31 (i) Is primarily and customarily used to provide or increase the
32 ability to move from one place to another and that is appropriate for
33 use either in a home or a motor vehicle;
- 34 (ii) Is not generally used by persons with normal mobility; and
- 35 (iii) Does not include any motor vehicle or equipment on a motor
36 vehicle normally provided by a motor vehicle manufacturer.

37 (d) The terms "durable medical equipment" and "mobility enhancing
38 equipment" are mutually exclusive.

1 **Sec. 2.** RCW 82.12.0277 and 2004 c 153 s 109 are each amended to
2 read as follows:

3 (1) The provisions of this chapter shall not apply in respect to
4 the use of:

5 (a) Prosthetic devices prescribed, fitted, or furnished for an
6 individual by a person licensed under the laws of this state to
7 prescribe, fit, or furnish prosthetic devices and the components of
8 such prosthetic devices;

9 (b) Medicines of mineral, animal, and botanical origin prescribed,
10 administered, dispensed, or used in the treatment of an individual by
11 a person licensed under chapter 18.36A RCW; (~~and~~)

12 (c) Medically prescribed oxygen, including, but not limited to,
13 oxygen concentrator systems, oxygen enricher systems, liquid oxygen
14 systems, and gaseous, bottled oxygen systems prescribed for an
15 individual by a person licensed under chapter 18.57 or 18.71 RCW for
16 use in the medical treatment of that individual; and

17 (d) Mobility enhancing equipment prescribed by a person licensed
18 under the laws of this state to prescribe such equipment, and the
19 components of such mobility enhancing equipment.

20 (2) In addition, the provisions of this chapter shall not apply in
21 respect to the use of labor and services rendered in respect to the
22 repairing, cleaning, altering, or improving of any of the items
23 exempted under subsection (1) of this section.

24 (3) The exemption provided by subsection (1) of this section shall
25 not apply to the use of durable medical equipment (~~or mobility~~
26 ~~enhancing equipment~~) other than as specified in subsection (1)(c) of
27 this section.

28 (4) "Prosthetic device," "durable medical equipment," and "mobility
29 enhancing equipment" have the same meanings as in RCW 82.08.0283.

30 **Sec. 3.** RCW 82.08.803 and 2004 c 153 s 104 are each amended to
31 read as follows:

32 (~~The tax levied by RCW 82.08.020 shall not apply to~~) (1) An
33 exemption from the tax imposed by RCW 82.08.020 in the form of a refund
34 is provided for sales of nebulizers, including repair (~~and~~),
35 replacement, and component parts for nebulizers, for human use pursuant
36 to a prescription. In addition, the tax levied by RCW 82.08.020 shall
37 not apply to charges made for labor and services rendered in respect to

1 the repairing, cleaning, altering, or improving of nebulizers.
2 "Nebulizer" means a device, not a building fixture, that converts a
3 liquid medication into a mist so that it can be inhaled.

4 (2) Sellers shall collect tax on sales subject to this exemption.
5 The buyer shall apply for a refund directly from the department in a
6 form and manner prescribed by the department.

7 **Sec. 4.** RCW 82.12.803 and 2004 c 153 s 105 are each amended to
8 read as follows:

9 (1) The provisions of this chapter shall not apply in respect to
10 the use of nebulizers, including repair (~~and~~), replacement, and
11 component parts for nebulizers, for human use pursuant to a
12 prescription. In addition, the provisions of this chapter shall not
13 apply in respect to labor and services rendered in respect to the
14 repairing, cleaning, altering, or improving of nebulizers. "Nebulizer"
15 has the same meaning as in RCW 82.08.803.

16 (2) Sellers shall collect tax on sales subject to this exemption.
17 The buyer shall apply for a refund directly from the department in a
18 form and manner prescribed by the department.

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