

# HOUSE BILL REPORT

## SHB 1317

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*As Passed Legislature*

**Title:** An act relating to tax exemptions for oxygen.

**Brief Description:** Clarifying the tax exemption for medically prescribed oxygen.

**Sponsor(s):** By House Committee on Revenue (originally sponsored by Representatives Silver, Morris, Holland, Fraser, Mielke, Spanel, Edmondson, Lisk, Morton, Paris, Hochstatter, Nealey, Wynne, Cooper, Bowman, D. Sommers, Miller, Ballard and Mitchell).

**Brief History:**

Reported by House Committee on:  
Revenue, February 26, 1991, DPS;  
Passed House, March 11, 1991, 97-0;  
Amended by Senate;  
House refused to concur;  
Senate receded;  
Passed Legislature.

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**HOUSE COMMITTEE ON  
REVENUE**

**Majority Report:** *That Substitute House Bill No. 1317 be substituted therefor, and the substitute bill do pass.*  
Signed by 15 members: Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver; and Van Luven.

**Staff:** Robin Appleford (786-7093).

**Background:** The retail sales and use taxes apply to sales or use of tangible personal property and certain services. Two major exemptions from sales and use taxes are for prescription drugs and certain medical devices. Sales of the following are exempt from sales and use taxes if prescribed by a physician: drugs and lenses for treatment or prevention of disease or ailments, insulin, prosthetic and orthotic devices, and oxygen. The exemption for "medically prescribed oxygen" includes only bottled oxygen, and not oxygen concentrator systems.

**Summary of Bill:** The exemption for medically prescribed oxygen is expanded to include purchase or rental of oxygen concentrator, oxygen enricher, liquid oxygen, and gaseous bottled oxygen systems. The oxygen system must be purchased or rented by an individual under a prescription issued by a physician, and must be used in the medical treatment of the individual.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of the session in which the bill is passed.

**Testimony For:** The Legislature originally intended to exempt all oxygen, but recent changes in technology have made the statute outdated. The exemption is needed since bottled oxygen is more cumbersome and dangerous to use than oxygen systems.

**Testimony Against:** None.

**Witnesses:** Jerry Luedke, Washington Society for Respiratory Care; Ty Bromm, Tacoma Oxygen Support Group; Rochelle Hughes, American Lung Association; and Arnold Livingston, Senior Citizens Lobby.