

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 2ND CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1262

By: Hilbert, Humphrey and
Tadlock of the House

7 and

Leewright and Scott of the
Senate

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9
10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to revenue and taxation; amending 68
12 O.S. 2011, Section 1357.6, which relates to sales tax
13 exemptions for certain medical items; modifying
14 provisions related to exempt transactions; providing
15 for exempt treatment of prosthetic devices, durable
16 medical equipment and mobility-enhancing equipment;
17 modifying definitions; providing an effective date;
18 and declaring an emergency.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1357.6, is
21 amended to read as follows:

22 Section 1357.6 A. Effective July 1, 1992, there are hereby
23 exempted from the tax levied by Section ~~1351~~ 1350 et seq. of ~~7~~ this
24 title sales of drugs for the treatment of human beings, medical
appliances, medical devices and other medical equipment including
but not limited to corrective eyeglasses, contact lenses, and

1 hearing aids, ~~prosthetic devices, as defined in subsection C of this~~
2 ~~section, durable medical equipment, as defined in subsection D of~~
3 ~~this section, and mobility enhancing equipment, as defined in~~
4 ~~subsection E of this section,~~ when administered ~~or,~~ distributed or
5 prescribed by a practitioner, as defined in subsection ~~B~~ C of this
6 section, who is authorized by law to administer ~~or,~~ distribute or
7 prescribe such items or when purchased or leased by or on behalf of
8 an individual for use by such individual under a prescription or
9 work order of a practitioner who is authorized by law to prescribe
10 such items and when the cost of such items will be reimbursed under
11 the Medicare or Medicaid Program.

12 B. There are hereby exempted from the tax levied by Section
13 1350 et seq. of this title sales of the following medical equipment
14 when administered, distributed or prescribed by a practitioner, as
15 defined in subsection C of this section, who is authorized by law to
16 administer, distribute or prescribe such items:

17 1. Prosthetic devices as defined in subsection D of this
18 section;

19 2. Durable medical equipment as defined in subsection E of this
20 section; and

21 3. Mobility-enhancing equipment as defined in subsection F of
22 this section.

23 C. The term "practitioner" means a physician, allopathic
24 physician, osteopathic physician, surgeon, podiatrist, chiropractor,

1 optometrist, pharmacist, psychologist, ophthalmologist, nurse
2 practitioner, clinical nurse specialist, audiologist or hearing aid
3 dealer or fitter who is licensed by the state as required by law.

4 ~~C.~~ D. The term "prosthetic device" means a replacement,
5 corrective or supportive device, including repair and replacement
6 parts for same, worn on or in the body to:

- 7 1. Artificially replace a missing portion of the body;
- 8 2. Prevent or correct physical deformity or malfunction; or
- 9 3. Support a weak or deformed portion of the body.

10 Provided, the term shall not include corrective eyeglasses,
11 contact lenses or hearing aids.

12 ~~D.~~ E. The term "durable medical equipment" means equipment,
13 including repair and replacement parts for same, which:

- 14 1. Is used in the home;
- 15 2. Can withstand repeated use;
- 16 ~~2.~~ 3. Is primarily and customarily used to serve a medical
17 purpose;
- 18 ~~3.~~ 4. Generally is not useful to a person in the absence of
19 illness or injury; and
- 20 ~~4.~~ 5. Is not worn in or on the body.

21 The term "durable medical equipment" shall not include
22 "mobility_enhancing equipment" as defined in subsection ~~E~~ F of this
23 section.

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1 ~~E.~~ F. The term "mobility_enhancing equipment" means equipment,
2 including repair and replacement parts for same, which:

3 1. Is primarily and customarily used to provide or increase the
4 ability to move from one place to another and which is appropriate
5 for use either in a home or a motor vehicle;

6 2. Is not generally used by persons with normal mobility; and

7 3. Does not include any motor vehicle or equipment on a motor
8 vehicle normally provided by a motor vehicle manufacturer.

9 The term "mobility_enhancing equipment" shall not include
10 "durable medical equipment" as defined in subsection ~~D~~ E of this
11 section.

12 SECTION 2. This act shall become effective July 1, 2019.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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