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HOUSE BILL 2323

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Forner and Dyer

Read first time 01/14/94. Referred to Committee on Revenue.

1            AN ACT Relating to taxation of manufacturing dental products;  
2 amending RCW 82.04.120, 82.08.0281, and 82.12.0275; and providing an  
3 effective date.

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

5            **Sec. 1.** RCW 82.04.120 and 1989 c 302 s 201 are each amended to  
6 read as follows:

7            "To manufacture" embraces all activities of a commercial or  
8 industrial nature wherein labor or skill is applied, by hand or  
9 machinery, to materials so that as a result thereof a new, different or  
10 useful substance or article of tangible personal property is produced  
11 for sale or commercial or industrial use, and shall include: (1) The  
12 production or fabrication of special made or custom made articles; and  
13 (2) the production or fabrication of dental appliances, devices,  
14 restorations, substitutes, or other dental laboratory products by a  
15 dental laboratory or dental technician.

16            "To manufacture" shall not include conditioning of seed for use in  
17 planting or activities which consist of cutting, grading, or ice  
18 glazing seafood which has been cooked, frozen or canned outside this  
19 state.

1       **Sec. 2.** RCW 82.08.0281 and 1993 1st sp.s. c 25 s 308 are each  
2 amended to read as follows:

3       The tax levied by RCW 82.08.020 shall not apply to sales of  
4 prescription ~~((drugs))~~ items specified in this section, including sales  
5 to the state or a political subdivision or municipal corporation  
6 thereof of ~~((drugs))~~ items to be dispensed to patients by prescription  
7 without charge. The term "prescription ~~((drugs))~~ items" shall include  
8 any medicine, drug, prescription lens, dental artificial restorations,  
9 substitutes, or appliances, or other substance other than food for use  
10 in the diagnosis, cure, mitigation, treatment, or prevention of disease  
11 or other ailment in humans, or for use for family planning purposes,  
12 including the prevention of conception, supplied:

13       (1) By a family planning clinic that is under contract with the  
14 department of health to provide family planning services; or

15       (2) Under the written prescription to a pharmacist by a  
16 practitioner authorized by law of this state or laws of another  
17 jurisdiction to issue prescriptions; or

18       (3) Upon an oral prescription of such practitioner which is reduced  
19 promptly to writing and filed by a duly licensed pharmacist; or

20       (4) By refilling any such written or oral prescription if such  
21 refilling is authorized by the prescriber either in the original  
22 prescription or by oral order which is reduced promptly to writing and  
23 filed by the pharmacist; or

24       (5) By physicians or optometrists by way of written directions and  
25 specifications for the preparation, grinding, and fabrication of lenses  
26 intended to aid or correct visual defects or anomalies of humans; or

27       (6) By dentists by way of a written prescription to a dental  
28 laboratory or technician.

29       **Sec. 3.** RCW 82.12.0275 and 1993 1st sp.s. c 25 s 309 are each  
30 amended to read as follows:

31       The provisions of this chapter shall not apply in respect to the  
32 use of prescription ~~((drugs))~~ items specified in this section,  
33 including the use by the state or a political subdivision or municipal  
34 corporation thereof of ~~((drugs))~~ items to be dispensed to patients by  
35 prescription without charge. The term "prescription ~~((drugs))~~ items"  
36 shall include any medicine, drug, prescription lens, dental artificial  
37 restorations, substitutes, or appliances, or other substance other than  
38 food for use in the diagnosis, cure, mitigation, treatment, or

1 prevention of disease or other ailment in humans, or for use for family  
2 planning purposes, including the prevention of conception, supplied:

3 (1) By a family planning clinic that is under contract with the  
4 department of health to provide family planning services; or

5 (2) Under the written prescription to a pharmacist by a  
6 practitioner authorized by law of this state or laws of another  
7 jurisdiction to issue prescriptions; or

8 (3) Upon an oral prescription of such practitioner which is reduced  
9 promptly to writing and filed by a duly licensed pharmacist; or

10 (4) By refilling any such written or oral prescription if such  
11 refilling is authorized by the prescriber either in the original  
12 prescription or by oral order which is reduced promptly to writing and  
13 filed by the pharmacist; or

14 (5) By physicians or optometrists by way of written directions and  
15 specifications for the preparation, grinding, and fabrication of lenses  
16 intended to aid or correct visual defects or anomalies of humans; or

17 (6) By dentists by way of a written prescription to a dental  
18 laboratory or dental technician.

19 NEW SECTION. **Sec. 4.** This act shall take effect July 1, 1994.

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