
SUBSTITUTE SENATE BILL 5648

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Swecker, Schoesler, Hatfield, McCaslin and Rasmussen)

READ FIRST TIME 02/21/07.

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; amending RCW 82.08.0283, 82.12.0277, 82.08.803,
4 82.12.803, 82.08.945, and 82.12.945; and providing an effective date.

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;

3 (d) Durable medical equipment not otherwise exempt under (c) of
4 this subsection, and the components of such durable medical equipment,
5 for home use and prescribed by a person licensed under the laws of this
6 state to prescribe such equipment; and

7 (e) Mobility enhancing equipment, and the components of mobility
8 enhancing equipment, prescribed by a person licensed under the laws of
9 this state to prescribe such equipment.

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

14 ~~(3) ((The exemption in subsection (1) of this section shall not~~
15 ~~apply to sales of durable medical equipment or mobility enhancing~~
16 ~~equipment.~~

17 ~~(4))~~ The definitions in this subsection apply throughout this
18 section.

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

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

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

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

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

- 34 (i) Is primarily and customarily used to provide or increase the
35 ability to move from one place to another and that is appropriate for
36 use either in a home or a motor vehicle;
- 37 (ii) Is not generally used by persons with normal mobility; and

1 (iii) Does not include any motor vehicle or equipment on a motor
2 vehicle normally provided by a motor vehicle manufacturer.

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

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

7 (1) The provisions of this chapter shall not apply in respect to
8 the use 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
19 individual by a person licensed under chapter 18.57 or 18.71 RCW for
20 use in the medical treatment of that individual;

21 (d) Durable medical equipment not otherwise exempt under (c) of
22 this subsection, and the components of such durable medical equipment,
23 for home use and prescribed by a person licensed under the laws of this
24 state to prescribe such equipment; and

25 (e) Mobility enhancing equipment, and the components of mobility
26 enhancing equipment, prescribed by a person licensed under the laws of
27 this state to prescribe such equipment.

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

32 ~~((The exemption provided by subsection (1) of this section~~
33 ~~shall not apply to the use of durable medical equipment or mobility~~
34 ~~enhancing equipment.~~

35 ~~(4))~~ "Prosthetic device," "durable medical equipment," and
36 "mobility enhancing equipment" have the same meanings as in RCW
37 82.08.0283.

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

3 (~~The tax levied by RCW 82.08.020 shall not apply to~~) (1) An
4 exemption from the tax imposed by RCW 82.08.020 in the form of a refund
5 is provided for sales of nebulizers, including repair ~~((and))~~,
6 replacement, and component parts for nebulizers, for human use pursuant
7 to a prescription. In addition, the tax levied by RCW 82.08.020 shall
8 not apply to charges made for labor and services rendered in respect to
9 the repairing, cleaning, altering, or improving of nebulizers.
10 "Nebulizer" means a device, not a building fixture, that converts a
11 liquid medication into a mist so that it can be inhaled.

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

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

17 (1) The provisions of this chapter shall not apply in respect to
18 the use of nebulizers, including repair ~~((and))~~, replacement, and
19 component parts for such nebulizers, for human use pursuant to a
20 prescription. In addition, the provisions of this chapter shall not
21 apply in respect to labor and services rendered in respect to the
22 repairing, cleaning, altering, or improving of nebulizers. "Nebulizer"
23 has the same meaning as in RCW 82.08.803.

24 (2) Sellers obligated to collect use tax shall collect tax on sales
25 subject to this exemption. The buyer shall apply for a refund directly
26 from the department in a form and manner prescribed by the department.

27 **Sec. 5.** RCW 82.08.945 and 2004 c 153 s 110 are each amended to
28 read as follows:

29 The tax levied by RCW 82.08.020 shall not apply to sales of kidney
30 dialysis devices, including repair ~~((and))~~, replacement, and component
31 parts, for human use pursuant to a prescription. In addition, the tax
32 levied by RCW 82.08.020 ~~((shall))~~ does not apply to charges made for
33 labor and services rendered in respect to the repairing, cleaning,
34 altering, or improving of kidney dialysis devices that are exempt under
35 this section.

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

4 **Sec. 6.** RCW 82.12.945 and 2004 c 153 s 111 are each amended to
5 read as follows:

6 (1) The provisions of this chapter ((shall)) do not apply to the
7 use of kidney dialysis devices, including repair ((and)), replacement,
8 and component parts, for human use pursuant to a prescription. In
9 addition, the provisions of this chapter ((shall)) do not apply in
10 respect to the use of labor and services rendered in respect to the
11 repairing, cleaning, altering, or improving of kidney dialysis devices
12 that are exempt under this section.

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

16 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2008.

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