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## SENATE BILL NO. 869

Senate Amendments in [ ] — February 4, 1999

A *BILL to amend and reenact § 58.1-609.7 of the Code of Virginia, relating to medical-related sales and use tax exemptions.*

Patrons—Trumbo; Delegate: Griffith

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-609.7 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-609.7. Medical-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians [ *; including medicines and drugs purchased by hospitals and subsequently sold to patients* ] ; controlled drugs purchased for use by a licensed physician in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians engaged in the practice of medicine, but excluding [ *hospitals,* ] nursing homes, clinics, and similar corporations not otherwise exempt under this section; [ *medicines and drugs purchased for use or consumption by a licensed hospital;*] and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). Any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.

2. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents which may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment which (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

3. Drugs and supplies used in hemodialysis and peritoneal dialysis.

4. Tangible personal property for use or consumption by a nonprofit hospital or a nonprofit licensed nursing home.

5. Tangible personal property for use or consumption by community health centers exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established for the purpose of providing health care services for areas of the Commonwealth containing a medically underserved population as defined by 42 U.S.C. § 254 c (b) (3).

6. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

7. Tangible nonmedical personal property purchased by a nonprofit organization organized exclusively for the purpose of providing housing and ancillary assistance for individuals suffering from leukemia or oncological diseases, for other ill individuals, and for the families of such individuals during periods of medical treatment of such individuals at any hospital in the Commonwealth.

8. Tangible personal property purchased by a voluntary health organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized exclusively for the purpose of providing direct therapeutic and rehabilitative services, such as speech therapy, physical therapy, and camping and recreational activities, to the children and adults of this Commonwealth regardless of the nature of their disease or socio-economic position.

9. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

10. Tangible personal property purchased for use or consumption by health maintenance organizations licensed under Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 which are exempt from

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60 taxation under § 501 (c) (3) of the Internal Revenue Code.

61 11. Tangible personal property for use or consumption by a nonprofit, nonstock corporation which is  
62 exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized under  
63 the laws of the Commonwealth exclusively for the purpose of conducting a clinic furnishing free health  
64 care services by licensed physicians and dentists.

65 12. Tangible personal property purchased for use or consumption by any nonprofit hospital  
66 cooperative or nonprofit hospital corporation organized and operated for the sole purpose of providing  
67 services exclusively to nonprofit hospitals. This exemption shall not apply to any nonprofit hospital,  
68 cooperative or nonprofit hospital corporation providing services of any kind or to any extent to other  
69 than nonprofit hospitals.

70 13. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or  
71 consumption by a nonprofit high blood pressure center which is used exclusively to provide medical  
72 assistance to indigent persons diagnosed with hypertension.

73 14. From July 1, 1989, through June 30, 1999, tangible personal property purchased for use or  
74 consumption by a tissue bank exempt from taxation under § 501 (c) (3) of the Internal Revenue Code  
75 and established for purposes of procuring, preserving, processing, allocating or distributing bones,  
76 organs, blood, skin and other human tissue to licensed physicians for clinical use.

77 15. a. Beginning July 1, 1998, (i) any nonprescription drugs and proprietary medicines purchased for  
78 the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of  
79 nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer,  
80 including packaging materials and constituent elements and ingredients.

81 b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to  
82 regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision  
83 shall not apply to cosmetics.

84 16. From July 1, 1994, through June 30, 1999, tangible personal property purchased for use or  
85 consumption or sold by a volunteer medical services organization exempt from taxation under § 501 (c)  
86 (3) of the Internal Revenue Code and established to provide reconstructive surgery and related health  
87 care to indigent children and young adults in developing countries and the United States.

88 17. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or  
89 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal  
90 Revenue Code and organized exclusively for educational, scientific, and charitable purposes relating to  
91 the promotion of health within the boundaries of the Eighth Planning District established pursuant to  
92 § 15.2-4203, including (i) operating a medical clinic which shall provide services without charge or shall  
93 charge less than prevailing rates to those who are unable to obtain health care through conventional  
94 means and (ii) educating and providing information to the general public regarding the treatment and  
95 prevention of those conditions which commonly affect the poor.

96 18. From July 1, 1995, through June 30, 1999, equipment and supplies purchased for use or  
97 consumption by a nonprofit charitable organization which is exempt from taxation under § 501 (c) (3) of  
98 the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing  
99 charitable, long-distance, advanced life-support, air ambulance services for low-income medical patients  
100 in the Commonwealth.

101 19. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or  
102 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal  
103 Revenue Code, organized exclusively to provide medical and psychological evaluations and direct  
104 therapeutic and rehabilitative medical and psychological treatment and services to child-abuse victims  
105 within the boundaries of the Twenty-third Planning District established pursuant to § 15.2-4203.

106 20. Through June 30, 1999, medical products and supplies, which are otherwise taxable, such as  
107 bandages, gauze dressings, incontinence products and wound-care products, when purchased by a  
108 Medicaid recipient through a Department of Medical Assistance Services provider agreement.

109 21. From July 1, 1995, through June 30, 1999, tangible personal property purchased for use or  
110 consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code  
111 and established to provide a comprehensive network of medical and psycho-social treatment to adults,  
112 on both an inpatient and outpatient basis, or to adolescent patients in a residential setting, within the  
113 boundaries of the Fifteenth Planning District established pursuant to § 15.2-4203.

114 22. From July 1, 1996, through June 30, 1999, tangible personal property purchased for use or  
115 consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code  
116 and organized and operated primarily to benefit a medical college affiliated with a state university by  
117 providing support services to and conducting the professional practices of faculty members associated  
118 with such medical college.

119 23. From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or  
120 consumption by a nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal  
121 Revenue Code and established at the initiative of the General Assembly and its Joint Commission on

Health Care to increase access to primary and preventive health care for Virginia's uninsured and medically underserved citizens.

24. From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to coordinate and facilitate the delivery of health care services to the children, aged birth to six years, of families whose incomes fall below the federal poverty level.

25. From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized and operated to initiate, promote, assist, develop, maintain, and conduct, directly or indirectly, studies, investigations and research relating to the treatment and prevention of birth defects.

26. From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by a foundation exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to promote quality health care and health care education in the Roanoke Valley by promoting health care research, providing health care education, and establishing scholarships for needy and deserving students who are pursuing health care careers.

27. From July 1, 1997, through June 30, 1999, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to provide dental services within the boundaries of the Eighth Planning District established pursuant to § 15.2-4203 at reduced rates to the indigent by dentists and dental hygienists who volunteer their time.

28. From July 1, 1998, through June 30, 1999, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to provide patient, family and community education programs about cancer as well as free community cancer screenings and to acquire, own and operate an out-patient medical facility for the provision of radiation therapy services to cancer patients.

29. From July 1, 1998, through June 30, 1999, tangible personal property purchased for use or consumption by an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and established to provide support and assistance to primary and secondary victims of Alzheimer's disease, their families, friends and communities; to facilitate community education of the disease; and to support research into its prevention.

30. From July 1, 1998, through June 30, 1999, tangible personal property purchased for use or consumption by a corporation exempt from taxation under § 501 (c) (3) of the Internal Revenue Code which is organized exclusively to provide breast cancer support and outreach for the medically underserved, including free mammography programs.

31. From July 1, 1998, through June 30, 1999, tangible personal property purchased for use or consumption by a nonprofit corporation organized under the laws of the Commonwealth which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and organized for the purposes of developing a coordinated citizens' voluntary movement to work toward improved care and treatment of persons affected with kidney disease, and improving methods and services in research, prevention, detection, diagnosis and treatment of kidney disease and disorders.

[ 2. That the provisions of this act shall be effective on and after July 1, 2000. ]