

By: Huffman, Alvarado  
West

S.B. No. 2289

A BILL TO BE ENTITLED

AN ACT

relating to the exemption from ad valorem taxation of equipment or inventory held by a manufacturer of medical or biomedical products to protect the Texas healthcare network and strengthen our medical supply chain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.36 to read as follows:

Sec. 11.36. MEDICAL OR BIOMEDICAL PROPERTY. (a) In this section:

(1) "Medical or biomedical property" means tangible personal property that is:

(A) stored, used, or consumed in the manufacturing or processing of medical or biomedical products by a medical or biomedical manufacturer; or

(B) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of a condition or disease or in medical or biomedical research, including the invention, development, and dissemination of materials, tools, technologies, processes, and similar means for translating and applying medical and scientific research for practical applications to advance public health, including:

(i) devices;

(ii) therapeutics;

- 1                   (iii) pharmaceuticals;
- 2                   (iv) personal protective equipment;
- 3                   (v) tools, apparatuses, instruments,
- 4 implants, or other similar or related component parts or
- 5 accessories;
- 6                   (vi) property exempted under Section
- 7 151.318 from the taxes imposed by Chapter 151; and
- 8                   (vii) manufacturing inventories, including
- 9 finished goods.

10                   (2) "Medical or biomedical manufacturing facility"  
11 means a facility at which a person conducts manufacturing or  
12 processing of medical or biomedical products for the purpose of  
13 development and commercialization of products to advance public  
14 health.

15                   (b) A person is entitled to an exemption from taxation of  
16 medical or biomedical property the person owns or leases that is  
17 located in a medical or biomedical manufacturing facility that the  
18 person owns or leases.

19                   (c) Notwithstanding Section 11.14(c), the governing body of  
20 a taxing unit may not provide for taxation of medical or biomedical  
21 property exempted under this section.

22                   SECTION 2. Section 11.42(d), Tax Code, is amended to read as  
23 follows:

24                   (d) A person who acquires property after January 1 of a tax  
25 year may receive an exemption authorized by Section 11.17, 11.18,  
26 11.19, 11.20, 11.21, 11.23, 11.231, ~~or~~ 11.30, or 11.36 for the  
27 applicable portion of that tax year immediately on qualification

1 for the exemption.

2 SECTION 3. Section 11.43(c), Tax Code, is amended to read as  
3 follows:

4 (c) An exemption provided by Section 11.13, 11.131, 11.132,  
5 11.133, 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19,  
6 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231,  
7 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, 11.315, ~~or~~ 11.35, or  
8 11.36, once allowed, need not be claimed in subsequent years, and  
9 except as otherwise provided by Subsection (e), the exemption  
10 applies to the property until it changes ownership or the person's  
11 qualification for the exemption changes. However, except as  
12 provided by Subsection (r), the chief appraiser may require a  
13 person allowed one of the exemptions in a prior year to file a new  
14 application to confirm the person's current qualification for the  
15 exemption by delivering a written notice that a new application is  
16 required, accompanied by an appropriate application form, to the  
17 person previously allowed the exemption. If the person previously  
18 allowed the exemption is 65 years of age or older, the chief  
19 appraiser may not cancel the exemption due to the person's failure  
20 to file the new application unless the chief appraiser complies  
21 with the requirements of Subsection (q), if applicable.

22 SECTION 4. This Act applies only to a tax year that begins  
23 on or after the effective date of this Act.

24 SECTION 5. This Act takes effect January 1, 2024, but only  
25 if the constitutional amendment proposed by the 88th Legislature,  
26 Regular Session, 2023, to authorize the legislature to exempt from  
27 ad valorem taxation equipment or inventory held by a manufacturer

1 of medical or biomedical products to protect the Texas healthcare  
2 network and strengthen our medical supply chain is approved by the  
3 voters. If that amendment is not approved by the voters, this Act  
4 has no effect.