

A BILL TO BE ENTITLED

AN ACT

relating to the exemption from sales and use taxes of certain health care supplies.

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

SECTION 1. Section 151.313, Tax Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The following items are exempted from the taxes imposed by this chapter:

(1) a drug or medicine, other than insulin, if prescribed or dispensed for a human or animal by a licensed practitioner of the healing arts;

(2) insulin;

(3) a drug or medicine that is required to be labeled with a "Drug Facts" panel in accordance with regulations of the federal Food and Drug Administration, without regard to whether it is prescribed or dispensed by a licensed practitioner of the healing arts;

(4) a hypodermic syringe or needle;

(5) a brace; hearing aid or audio loop; orthopedic, dental, or prosthetic device; ileostomy, colostomy, or ileal bladder appliance; or supplies or replacement parts for the listed items;

(6) a therapeutic appliance, device, and any related supplies specifically designed for those products, if dispensed or prescribed by a licensed practitioner of the healing arts, when

1 those items are purchased and used by an individual for whom the  
2 items listed in this subdivision were dispensed or prescribed;

3 (7) corrective lens and necessary and related  
4 supplies, if dispensed or prescribed by an ophthalmologist or  
5 optometrist;

6 (8) specialized printing or signalling equipment used  
7 by the deaf for the purpose of enabling the deaf to communicate  
8 through the use of an ordinary telephone and all materials, paper,  
9 and printing ribbons used in that equipment;

10 (9) a braille wristwatch, braille writer, braille  
11 paper and braille electronic equipment that connects to computer  
12 equipment, and the necessary adaptive devices and adaptive computer  
13 software;

14 (10) each of the following items if purchased for use  
15 by the blind to enable them to function more independently: a slate  
16 and stylus, print enlarger, light probe, magnifier, white cane,  
17 talking clock, large print terminal, talking terminal, or harness  
18 for guide dog;

19 (11) hospital beds, including mattresses;

20 (12) blood glucose monitoring test strips;

21 (13) an adjustable eating utensil used to facilitate  
22 independent eating if purchased for use by a person, including a  
23 person who is elderly or physically disabled, has had a stroke, or  
24 is a burn victim, who does not have full use or control of the  
25 person's hands or arms;

26 (14) subject to Subsection (d), a dietary supplement;

27 and

1           (15) intravenous systems, supplies, and replacement  
2 parts designed or intended to be used in the diagnosis, cure,  
3 mitigation, treatment, or prevention of disease, illness, injury,  
4 or pain of humans.

5           (e) For purposes of this section, a product is an  
6 intravenous system if the product is designed or intended to be used  
7 to administer fluids, electrolytes, blood and blood products, or  
8 drugs to patients, or to withdraw tissue samples, blood, or fluids  
9 from patients, without regard to whether the product is designed or  
10 intended to be inserted subcutaneously or into a vein, artery,  
11 cavity, muscle, organ, or other part of the body. The term includes  
12 access ports, adapters, bags and bottles, cannulae, cassettes,  
13 catheters, clamps, connectors, drip chambers, extension sets,  
14 filters, in-line ports, luer locks, needles, poles, pumps and  
15 batteries, spikes, tubing, valves, volumetric chambers, and items  
16 designed or intended to connect qualifying products to one another  
17 or to secure qualifying products to a patient.

18           (f) In this section, "hospital bed" means a bed specially  
19 designed for patients with special features for the comfort and  
20 well-being of the patient and for the convenience of health care  
21 workers and includes any devices built into the bed or designed for  
22 use with the bed. A hospital bed may have, but is not required to  
23 have, wheels, adjustable height for the entire bed, adjustable head  
24 and feet sections, adjustable side rails, and electronic controls  
25 to operate both the bed and other nearby electronic devices. The  
26 term includes infant warmers, incubators, other beds for neonatal  
27 and pediatric patients, and beds specifically designed and marketed

1 for use for the rest, recuperation, and treatment of obese  
2 patients, obstetric patients, and burn patients. The term  
3 "hospital bed" does not include stretchers, gurneys, or delivery  
4 tables.

5 SECTION 2. The change in law made by this Act is a  
6 clarification of existing law and does not imply that existing law  
7 may be construed as inconsistent with the law as amended by this  
8 Act.

9 SECTION 3. This Act takes effect September 1, 2013.