

By: Bonnen of Galveston

H.B. No. 633

A BILL TO BE ENTITLED

AN ACT

relating to a sales and use tax exemption for certain health care supplies.

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

SECTION 1. Sections 151.313(a), (c), and (e), Tax Code, are amended to read as follows:

(a) The following items are exempted from the taxes imposed by this chapter, whether used for a human or, if applicable, an animal:

(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, including a veterinarian;

(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

1 supplies specifically designed for those products, if dispensed or
2 prescribed by a licensed practitioner of the healing arts,
3 including a veterinarian, when those items are purchased and used
4 by:

5 (A) an individual for whom the items listed in
6 this subdivision were dispensed or prescribed; or

7 (B) an owner or caretaker of an animal for which
8 the items listed in this subdivision were dispensed or prescribed;

9 (7) corrective lens and necessary and related
10 supplies, if dispensed or prescribed by an ophthalmologist or
11 optometrist;

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

16 (9) a braille wristwatch, braille writer, braille
17 paper and braille electronic equipment that connects to computer
18 equipment, and the necessary adaptive devices and adaptive computer
19 software;

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

25 (11) hospital beds;

26 (12) blood glucose monitoring test strips;

27 (13) an adjustable eating utensil used to facilitate

1 independent eating if purchased for use by a person, including a
2 person who is elderly, has a physical disability [~~or physically~~
3 ~~disabled~~], has had a stroke, or is a burn victim, who does not have
4 full use or control of the person's hands or arms;

5 (14) subject to Subsection (d), a dietary supplement;
6 and

7 (15) intravenous systems, supplies, and replacement
8 parts designed or intended to be used in [~~the~~] diagnosis or
9 treatment [~~of humans~~].

10 (c) A product is a drug or medicine for purposes of this
11 section if the product:

12 (1) is intended for use in the diagnosis, cure,
13 mitigation, treatment, or prevention of disease, illness, injury,
14 or pain;

15 (2) is applied to the [~~human~~] body of a human or animal
16 or is a product that a human or animal is intended to ingest
17 [~~ingests~~] or inhale [~~inhales~~];

18 (3) is not an appliance or device; and

19 (4) is not food.

20 (e) A product is an intravenous system for purposes of this
21 section if, regardless of whether the product is designed or
22 intended to be inserted subcutaneously into any part of a human's or
23 animal's [~~the~~] body, the product is designed or intended to be used
24 to administer fluids, electrolytes, blood and blood products, or
25 drugs [~~to patients~~] or to withdraw blood or fluids [~~from patients~~].
26 The term includes access ports, adapters, bags and bottles,
27 cannulae, cassettes, catheters, clamps, connectors, drip chambers,

1 extension sets, filters, in-line ports, luer locks, needles, poles,
2 pumps and batteries, spikes, tubing, valves, volumetric chambers,
3 and items designed or intended to connect qualifying products to
4 one another or secure qualifying products to a patient who is a
5 human or animal. The term does not include a wound drain.

6 SECTION 2. The changes in law made by this Act do not affect
7 tax liability accruing before the effective date of this Act. That
8 liability continues in effect as if this Act had not been enacted,
9 and the former law is continued in effect for the collection of
10 taxes due and for civil and criminal enforcement of the liability
11 for those taxes.

12 SECTION 3. This Act takes effect September 1, 2015.