ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 2616

By: Johnson and Pittman of the House

and

Sykes of the Senate

(revenue and taxation - sales tax on medical products - modifying scope of exemption - outpatient medical devices)

AMENDMENT NO. 1. Page 1, strike the enacting clause

AMENDMENT NO. 2. Page 1, restore the title

Passed the Senate the 24th day of April, 2012.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2012.

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Presiding Officer of the House of Representatives

ENGROSSED HOUSE
BILL NO. 2616 By: Johnson and Pittman of the House

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 2011, Section 1357.6, is amended to read as follows:

Section 1357.6 A. ~~Effective July 1, 1992, there~~ As used in this section:

1. "Durable medical equipment" means equipment, including repair and replacement parts for same, which:

a. can withstand repeated use,

b. is primarily and customarily used to serve a medical purpose,

c. generally is not useful to a person in the absence of illness or injury, and

d. is not worn in or on the body.

Provided, the term durable medical equipment shall not include mobility-enhancing equipment as defined in this section;

2. "Mobility-enhancing equipment" means equipment, including repair and replacement parts for same, which:

a. is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle,

b. is not generally used by persons with normal mobility, and

c. does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

Provided, the term mobility-enhancing equipment shall not include durable medical equipment as defined in this section;

3. "Outpatient medical devices" means devices that are installed in an outpatient procedure and include the following:

a. high-dose-rate brachytherapy,

b. pacemakers,

c. catheters, and

d. capsules used in capsule endoscopy;

4. "Practitioner" means a physician, osteopathic physician, surgeon, podiatrist, chiropractor, optometrist, pharmacist, psychologist, ophthalmologist, nurse practitioner, audiologist or

hearing aid dealer or fitter who is licensed by the state as required by law; and

5. "Prosthetic device" means a replacement, corrective or supportive device, including repair and replacement parts for same, worn on or in the body to:

a. artificially replace a missing portion of the body,

b. prevent or correct physical deformity or malfunction, or

c. support a weak or deformed portion of the body.

Provided, the term prosthetic device shall not include corrective eyeglasses, contact lenses or hearing aids.

B. There are hereby exempted from the tax levied by Section 1351 et seq. of~~,~~ this title sales of drugs for the treatment of human beings, medical appliances, medical devices and other medical equipment including but not limited to corrective eyeglasses, contact lenses, hearing aids, prosthetic devices, ~~as defined in subsection C of this section,~~ durable medical equipment, ~~as defined in subsection D of this section, and~~ mobility-enhancing equipment and outpatient medical devices, ~~as defined in subsection E of this section,~~ when administered or distributed by a practitioner~~, as defined in subsection B of this section,~~ who is authorized by law to administer or distribute such items or when purchased or leased by or on behalf of an individual for use by such individual under a prescription or work order of a practitioner who is authorized by

law to prescribe such items and when the cost of such items will be reimbursed under the Medicare or Medicaid Program.

~~B. The term "practitioner" means a physician, osteopathic physician, surgeon, podiatrist, chiropractor, optometrist, pharmacist, psychologist, ophthalmologist, nurse practitioner, audiologist or hearing aid dealer or fitter who is licensed by the state as required by law.~~

~~C. The term "prosthetic device" means a replacement, corrective or supportive device, including repair and replacement parts for same, worn on or in the body to:~~

~~1. Artificially replace a missing portion of the body;~~

~~2. Prevent or correct physical deformity or malfunction; or~~

~~3. Support a weak or deformed portion of the body.~~

~~Provided, the term shall not include corrective eyeglasses, contact lenses or hearing aids.~~

~~D. The term "durable medical equipment" means equipment, including repair and replacement parts for same, which:~~

~~1. Can withstand repeated use;~~

~~2. Is primarily and customarily used to serve a medical purpose;~~

~~3. Generally is not useful to a person in the absence of illness or injury; and~~

~~4. Is not worn in or on the body.~~

~~The term "durable medical equipment" shall not include "mobility enhancing equipment" as defined in subsection E of this section.~~

~~E. The term "mobility enhancing equipment" means equipment, including repair and replacement parts for same, which:~~

~~1. Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;~~

~~2. Is not generally used by persons with normal mobility; and~~

~~3. Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.~~

~~The term "mobility enhancing equipment" shall not include "durable medical equipment" as defined in subsection D of this section.~~

Passed the House of Representatives the 13th day of March, 2012.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate