

**2nd**

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB1262**

By: Hilbert of the House and Leewright of the Senate

Title: Revenue and taxation; sales tax exemption for certain medical equipment; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

**SENATE CONFEREES: GCCA (must be signed out at a Senate GCCA meeting)**

Bice \_\_\_\_\_  
Brooks \_\_\_\_\_  
Daniels \_\_\_\_\_  
Dossett \_\_\_\_\_  
Dugger \_\_\_\_\_  
Floyd \_\_\_\_\_  
Hall \_\_\_\_\_  
Ikley-Freeman \_\_\_\_\_  
Jech \_\_\_\_\_  
Kidd \_\_\_\_\_  
Matthews \_\_\_\_\_

Montgomery \_\_\_\_\_  
Pemberton \_\_\_\_\_  
Pugh \_\_\_\_\_  
Rader \_\_\_\_\_  
Rosino \_\_\_\_\_  
Scott \_\_\_\_\_  
Shaw \_\_\_\_\_  
Simpson \_\_\_\_\_  
Stanislawski \_\_\_\_\_  
Thompson \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 2ND CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1262

By: Hilbert, Humphrey and  
Tadlock of the House

7 and

Leewright and Scott of the  
Senate

8  
9  
10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to revenue and taxation; amending 68  
12 O.S. 2011, Section 1357.6, which relates to sales tax  
13 exemptions for certain medical items; modifying  
14 provisions related to exempt transactions; providing  
15 for exempt treatment of prosthetic devices, durable  
16 medical equipment and mobility-enhancing equipment;  
17 modifying definitions; providing an effective date;  
18 and declaring an emergency.

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

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

22 Section 1357.6 A. Effective July 1, 1992, there are hereby  
23 exempted from the tax levied by Section ~~1351~~ 1350 et seq. of ~~7~~ this  
24 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, and

1 hearing aids, ~~prosthetic devices, as defined in subsection C of this~~  
2 ~~section, durable medical equipment, as defined in subsection D of~~  
3 ~~this section, and mobility enhancing equipment, as defined in~~  
4 ~~subsection E of this section,~~ when administered ~~or,~~ distributed or  
5 prescribed by a practitioner, as defined in subsection ~~B~~ C of this  
6 section, who is authorized by law to administer ~~or,~~ distribute or  
7 prescribe such items or when purchased or leased by or on behalf of  
8 an individual for use by such individual under a prescription or  
9 work order of a practitioner who is authorized by law to prescribe  
10 such items and when the cost of such items will be reimbursed under  
11 the Medicare or Medicaid Program.

12 B. There are hereby exempted from the tax levied by Section  
13 1350 et seq. of this title sales of the following medical equipment  
14 when administered, distributed or prescribed by a practitioner, as  
15 defined in subsection C of this section, who is authorized by law to  
16 administer, distribute or prescribe such items:

17 1. Prosthetic devices as defined in subsection D of this  
18 section;

19 2. Durable medical equipment as defined in subsection E of this  
20 section; and

21 3. Mobility-enhancing equipment as defined in subsection F of  
22 this section.

23 C. The term "practitioner" means a physician, allopathic  
24 physician, osteopathic physician, surgeon, podiatrist, chiropractor,

1 optometrist, pharmacist, psychologist, ophthalmologist, nurse  
2 practitioner, clinical nurse specialist, audiologist or hearing aid  
3 dealer or fitter who is licensed by the state as required by law.

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

- 7 1. Artificially replace a missing portion of the body;
- 8 2. Prevent or correct physical deformity or malfunction; or
- 9 3. Support a weak or deformed portion of the body.

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

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

- 14 1. Is used in the home;
- 15 2. Can withstand repeated use;
- 16 ~~2.~~ 3. Is primarily and customarily used to serve a medical  
17 purpose;
- 18 ~~3.~~ 4. Generally is not useful to a person in the absence of  
19 illness or injury; and
- 20 ~~4.~~ 5. Is not worn in or on the body.

21 The term "durable medical equipment" shall not include  
22 "mobility\_enhancing equipment" as defined in subsection ~~E~~ F of this  
23 section.

24

1       ~~E.~~ F. The term "mobility\_enhancing equipment" means equipment,  
2 including repair and replacement parts for same, which:

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

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

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

9       The term "mobility\_enhancing equipment" shall not include  
10 "durable medical equipment" as defined in subsection ~~D~~ E of this  
11 section.

12       SECTION 2. This act shall become effective July 1, 2019.

13       SECTION 3. It being immediately necessary for the preservation  
14 of the public peace, health or safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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18       57-1-8937           MB           05/13/19  
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