

2 **HB 2089** - H AMD 732

3 By Representative Dickerson and others

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5 On page 59, after line 38, insert the following:

6 "Sec. 68. RCW 82.08.0281 and 1993 sp.s. c 25 s 308 are each
7 amended to read as follows:

8 (1) The tax levied by RCW 82.08.020 shall not apply to sales of
9 (~~prescription~~) drugs, including sales to the state or a political
10 subdivision or municipal corporation thereof of drugs to be dispensed
11 to patients (~~by prescription~~) without charge. The term
12 "~~prescription~~ drugs" shall include any medicine, drug,
13 (~~prescription lens~~) vitamin, or other substance other than food for
14 use in the diagnosis, cure, mitigation, treatment, or prevention of
15 disease or other ailment in humans, or for use for family planning
16 purposes, including the prevention of conception, whether supplied(~~(:~~

17 (1) ~~By a family planning clinic that is under contract with the~~
18 ~~department of health to provide family planning services; or~~

19 (2) ~~Under the written prescription to a pharmacist by a~~
20 ~~practitioner authorized by law of this state or laws of another~~
21 ~~jurisdiction to issue prescriptions; or~~

22 (3) ~~Upon an oral prescription of such practitioner which is reduced~~
23 ~~promptly to writing and filed by a duly licensed pharmacist; or~~

24 (4) ~~By refilling any such written or oral prescription if such~~
25 ~~refilling is authorized by the prescriber either in the original~~
26 ~~prescription or by oral order which is reduced promptly to writing and~~
27 ~~filed by the pharmacist; or~~

28 (5) ~~By physicians or optometrists by way of written directions and~~
29 ~~specifications for the preparation, grinding, and fabrication of~~
30 ~~lenses)) by prescription of a practitioner authorized by the laws of~~
31 ~~this state or another jurisdiction to issue prescriptions or authorized~~
32 ~~by the federal food and drug administration for over-the-counter sale.~~

33 (2) The tax levied by RCW 82.08.020 shall not apply to sales of
34 eyeglasses intended to aid or correct visual defects or anomalies of
35 humans.

1 (3) The tax levied by RCW 82.08.020 shall not apply to sales of the
2 following medical care products: Fever thermometers, first aid
3 supplies, vaporizers, humidifiers, and other health-aid appliances, and
4 convalescent aids.

5 (4) The tax levied by RCW 82.08.020 shall not apply to sales of
6 adult incontinent pads and pants.

7 **Sec. 69.** RCW 82.08.0283 and 1991 c 250 s 2 are each amended to
8 read as follows:

9 (1) The tax levied by RCW 82.08.020 shall not apply to sales of
10 insulin and items necessary for injecting insulin; prosthetic ((and))
11 devices; orthotic devices prescribed for an individual by a person
12 licensed under chapters 18.25, 18.57, or 18.71 RCW ((or)); hearing aids
13 dispensed or fitted by a person licensed under chapter 18.35 RCW;
14 medicines of mineral, animal, and botanical origin prescribed,
15 administered, dispensed, or used in the treatment of an individual by
16 a person licensed under chapter 18.36A RCW; ostomic items; durable
17 medical equipment prescribed for an individual by a person authorized
18 by the state to prescribe durable medical equipment; and medically
19 prescribed oxygen. In addition, the tax levied by RCW 82.08.020 shall
20 not apply to sales or charges made for tangible personal property
21 consumed and for labor and services rendered in the repair of any of
22 the items exempted under this section.

23 (2) For the purposes of this section((7)):

24 (a) "Medically prescribed oxygen" includes, but is not limited to,
25 sale or rental of oxygen concentrator systems, oxygen enricher systems,
26 liquid oxygen systems, and gaseous, bottled oxygen systems to an
27 individual under a prescription issued by a person licensed under
28 chapter 18.57 or 18.71 RCW for use in the medical treatment of that
29 individual.

30 (b) "Durable medical equipment" includes, but is not limited to,
31 wheelchairs, hospital beds, standing aids, walking aids, bathroom aids,
32 aids to daily living, lifting devices and chairs, and parts and
33 accessories of all such durable medical equipment.

34 **Sec. 70.** RCW 82.12.0275 and 1993 sp.s. c 25 s 309 are each amended
35 to read as follows:

36 (1) The provisions of this chapter shall not apply in respect to
37 the use of ((prescription)) drugs, including the use by the state or a

1 political subdivision or municipal corporation thereof of drugs to be
2 dispensed to patients ((by prescription)) without charge. The term
3 "((prescription)) drugs" shall include any medicine, drug,
4 ((prescription lens)) vitamin, or other substance other than food for
5 use in the diagnosis, cure, mitigation, treatment, or prevention of
6 disease or other ailment in humans, or for use for family planning
7 purposes, including the prevention of conception, whether supplied((+)

8 (1) ~~By a family planning clinic that is under contract with the~~
9 ~~department of health to provide family planning services; or~~

10 (2) ~~Under the written prescription to a pharmacist by a~~
11 ~~practitioner authorized by law of this state or laws of another~~
12 ~~jurisdiction to issue prescriptions; or~~

13 (3) ~~Upon an oral prescription of such practitioner which is reduced~~
14 ~~promptly to writing and filed by a duly licensed pharmacist; or~~

15 (4) ~~By refilling any such written or oral prescription if such~~
16 ~~refilling is authorized by the prescriber either in the original~~
17 ~~prescription or by oral order which is reduced promptly to writing and~~
18 ~~filed by the pharmacist; or~~

19 (5) ~~By physicians or optometrists by way of written directions and~~
20 ~~specifications for the preparation, grinding, and fabrication of~~
21 ~~lenses)) by prescription of a practitioner authorized by the laws of~~
22 ~~this state or another jurisdiction to issue prescriptions or authorized~~
23 ~~by the federal food and drug administration for over-the-counter sale.~~

24 (2) The provisions of this chapter shall not apply in respect to
25 the use of eyeglasses intended to aid or correct visual defects or
26 anomalies of humans.

27 (3) The provisions of this chapter shall not apply in respect to
28 the use of the following medical care products: Fever thermometers,
29 first aid supplies, vaporizers, humidifiers, and other health-aid
30 appliances, and convalescent aids.

31 (4) The provisions of this chapter shall not apply with respect to
32 the use of adult incontinent pads and pants.

33 **Sec. 71.** RCW 82.12.0277 and 1991 c 250 s 3 are each amended to
34 read as follows:

35 (1) The provisions of this chapter shall not apply in respect to
36 the use of insulin and items necessary for injecting insulin;
37 prosthetic ((and)) devices; orthotic devices prescribed for an
38 individual by a person licensed under chapters 18.25, 18.57, or 18.71

1 RCW ((~~67~~)); hearing aids dispensed or fitted by a person licensed under
2 chapter 18.35 RCW; medicines of mineral, animal, and botanical origin
3 prescribed, administered, dispensed, or used in the treatment of an
4 individual by a person licensed under chapter 18.36A RCW; ostomic
5 items; durable medical equipment prescribed for an individual by a
6 person authorized by the state to prescribe durable medical equipment;
7 and medically prescribed oxygen. In addition, the provisions of this
8 chapter shall not apply with respect to the use of tangible personal
9 property consumed in the repair of any of the items exempted under this
10 section.

11 (2) For the purposes of this section((~~7~~)):

12 (a) "Medically prescribed oxygen" includes, but is not limited to,
13 sale or rental of oxygen concentrator systems, oxygen enricher systems,
14 liquid oxygen systems, and gaseous, bottled oxygen systems to an
15 individual under a prescription issued by a person licensed under
16 chapter 18.57 or 18.71 RCW for use in the medical treatment of that
17 individual.

18 (b) "Durable medical equipment" includes, but is not limited to,
19 wheelchairs, hospital beds, standing aids, walking aids, bathroom aids,
20 aids to daily living, lifting devices and chairs, and parts and
21 accessories of all such durable medical equipment."

22 Renumber remaining sections consecutively and correct the title.

23 On page 60, line 4, strike "67" and insert "71"

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