

LEGISLATIVE BILL 280

Approved by the Governor May 25, 1999

Introduced by Cudaback, 36; Lynch, 13

AN ACT relating to revenue and taxation; to amend section 77-2704.09, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for mobility enhancing equipment; to provide an operative date; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 77-2704.09, Reissue Revised Statutes of Nebraska, is amended to read:

77-2704.09. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of insulin and the following when sold for a patient's use under a prescription written by a person licensed under Chapter 71, article 1, or sections 71-4701 to 71-4719: Prescription medicines; durable medical equipment; home medical supplies; prosthetic devices; orthotic devices; oxygen; ~~and~~ oxygen equipment; and mobility enhancing equipment.

(2) For purposes of this section:

(a) Durable medical equipment ~~shall mean~~ means equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is appropriate for use in the home;

(b) Home medical supplies ~~shall mean~~ means supplies primarily and customarily used to serve a medical purpose which are appropriate for use in the home and are generally not useful to a person in the absence of illness or injury;

(c) Mobility enhancing equipment means equipment which is primarily and customarily used to provide or increase the ability to move from one place to another for a person required to use durable medical equipment, orthotics, or prosthetics for locomotion and which is appropriate for use either in a home or a motor vehicle. Mobility enhancing equipment does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(d) Orthotic devices ~~shall mean~~ means devices which are used to support, or limit the movement of, parts of the body to serve a medical purpose and generally are not useful to a person in the absence of illness or injury;

~~(d)~~ (e) Oxygen equipment ~~shall mean~~ means oxygen cylinders, cylinder transport devices including sheaths and carts, cylinder studs and support devices, regulators, flowmeters, tank wrenches, oxygen concentrators, liquid oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing, nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and accessories; and

~~(e)~~ (f) Prosthetic devices ~~shall mean~~ means devices which permanently or temporarily replace a missing part or a nonfunctioning part of the human body and ~~shall include~~ includes any supplies used with such devices.

Sec. 2. This act becomes operative on October 1, 1999.

Sec. 3. Original section 77-2704.09, Reissue Revised Statutes of Nebraska, is repealed.