

The Commonwealth of Massachusetts

Department of Revenue

Leverett Saltonstall Building,

100 Cambridge Street, Boston 02204



L. JOYCE HAMPERS
COMMISSIONER

November 29, 1982

You inquire whether sales by your Company of infusion pumps used to deliver drugs to patients and related disposables, such as batteries and tubing, are subject to the Massachusetts sales tax. These items are used to infuse insulin, nutritional products and drugs. They are sold to patients on prescription and to hospitals and physicians.

Massachusetts General Laws Chapter 64H, Section 6(1) exempts from tax sales of "medicine, insulin needles and insulin syringes on prescriptions of registered physicians and sales of insulin; sales of oxygen, blood or blood plasma...[and] sales of artificial limbs, artificial eyes, hearing aids and other equipment worn as a correction or substitute for any functioning portion of the body..."

Chapter 64H, Section 6(e) exempts from tax sales to any corporation, foundation, organization or institution exempt from taxation under Section 501(c)(3) of the Internal Revenue Code which uses its purchases in the conduct of the organization and holds a certificate of exemption from the Commissioner of Revenue.

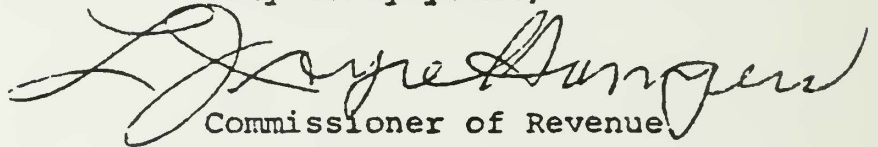
Based on the foregoing, it is ruled that:

1. Sales on prescriptions of registered physicians of infusion pumps used to deliver insulin are not subject to the Massachusetts sales tax.

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2. Sales of infusion pumps, other than those purchased on prescription for use with insulin, and related disposables such as batteries and tubing, are taxable, except where the sales are made to an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code which uses its purchases in the conduct of the organization and holds a certificate of exemption (Form ST-2) from the Commissioner of Revenue.

Very truly yours,


Commissioner of Revenue

LJH:JD:mf

LR 82-111