

**New York State
Department of
Taxation and
Finance**

**Publication 822
(6/01)**

**TAXABLE
STATUS OF
MEDICAL
EQUIPMENT
AND SUPPLIES,
PROSTHETIC
DEVICES, AND
RELATED
ITEMS**

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Medical equipment and supplies

Sales of medical equipment, component parts, and medical supplies are exempt from New York State and local sales and use taxes unless sold for use in providing medical or similar services for compensation. Therefore, sales to physicians, dentists, hospitals, clinical laboratories, ambulance companies, and so forth are subject to tax. To qualify for exemption, medical equipment must be primarily and customarily used for medical purposes and must not be generally useful in the absence of illness, injury, or physical incapacity.

Prosthetic devices

Prosthetic aids, hearing aids, eyeglasses, and artificial devices, and their component parts, are also exempt from tax. To qualify for exemption, prosthetic devices must be primarily and customarily used to completely or partially replace a missing body part or the function of a permanently inoperative or malfunctioning body part and must not be generally useful in the absence of illness, injury, or physical incapacity. These items do not need to be designed for the use of a particular individual to be exempt from tax.

Component parts

A component part for exempt medical equipment or an exempt prosthetic device is also exempt from sales tax. If the component part is clearly identified by the manufacturer as a part for such equipment or device, the part may be purchased exempt from tax. If the component part is not clearly identified by the manufacturer as a part for such equipment or device, the purchaser must pay sales tax at the time of purchase and file a claim for refund by filing Form AU-11, *Application for Credit or Refund of State and Local Sales or Use Tax*.

Services

The services of installing, maintaining, servicing, and repairing exempt medical equipment and exempt prosthetic devices, including their component parts, are also exempt from tax.

Exempt organizations

Sales of medical equipment, including their component parts and related services, and sales of medical supplies to hospitals and other organizations that have received certifications of exemption from the Department of Taxation and Finance under section 1116 of the Tax Law may be made without tax, provided the purchaser issues a properly completed Form ST-119.1, *Exempt Organization Certification*, to the vendor. This form is not required in order to make sales of prosthetic devices, component parts, and related services without payment of tax.

Guide, hearing, and service dogs

Guide, hearing, and service dogs, including items and services that are necessary for their acquisition, sustenance, or maintenance, are exempt from sales and use taxes. See TSB-M-95(10)S, *Guide, Hearing and Service Dogs*.

Examples

The items listed are examples. It is ultimately the purpose for which an item is used that determines its taxable status.

The lists of examples on the following pages have been compiled to help with the general identification of taxable and exempt items. However, these items are merely examples. It is ultimately the purposes for which the items are used that determine their taxable status, provided the items are not generally useful in the absence of illness, injury, or physical incapacity. Consequently, many of the items that are included in the first listing as examples of medical equipment and supplies (e.g., leg braces, ostomy pouches and tubes) may also be exempt from tax as prosthetic devices. Prosthetic devices are exempt from tax even when purchased by persons performing medical or similar services for compensation, if the items are used to completely or partially replace missing body parts or the functions of permanently inoperative or malfunctioning body parts, such as in the treatment of individuals with permanent (rather than temporary) illnesses, injuries, or physical incapacities.

Sales tax must be paid by persons performing medical or similar services for compensation on purchases of items of tangible personal property that may be used as both medical equipment (or supplies) and prosthetic devices. Claims for refunds of these taxes may be filed, using Form AU-11, provided it can be established that the items qualify as prosthetic devices.

Endnotes have been included on page 6 of this publication.

Medical Equipment and Supplies

Exempt unless purchased for use in performing medical or similar services for compensation

Adhesive bandages, surgical tape	Contraceptive applicators	Ileostomy bags, sets, supplies	Slings, pelvic
Aspirators	Corn pads	Incontinence liners	Sphygmomanometers
Bandages (cotton, porous, etc.)	Corn removal razor	Incontinence pads	Splints
Bed boards, rails ¹	Cotton, absorbent sterile	Incontinence pants ²	Splints, finger
Bedpans	Cotton, sterile balls	Inhalers	Sponges, surgical
Bench, bathtub transfer	Cotton, sterile swabs	Insulin travel kits	Spray-on bandages
Blood pressure gauges	Crutch tips, pads	Lymphedema sleeves	Stethoscopes
Blood testing strips	Crutches	Mastectomy sleeves	Stockings, surgical ²
Braces, ankle	Cushions, invalid	Medical oxygen regulators	Swabs, butterfly, sterile
Braces, arm	Diaphragms, contraceptive	Nasal aspirators	Syringes, ear and hypodermic
Braces, elbow	Drainage sets, body, bedside	Nebulizers	Tape, surgical
Braces, knee	Elastic bandages	Orthodontic devices (i.e., TMJ splints, positioners, retainers, etc.)	Thermometers, oral and rectal
Braces, leg	Eye droppers	Ostomy pouches, tubes, supplies	Throat and spine bags
Braces, spinal	Eye pads (non-cosmetic)	Oxygen inhalers, tents	Tonsillectomy bags
Breast pumps	First aid kits	Oxygen therapy regulators	Tourniquets
Breathing tubes	First aid products	Pessaries	Traction supports and devices
Bunion pads, reducers	Foot boards ¹	Pregnancy test kits	Urinals, medical
Callous pads	Forearm crutches	Raised toilet seats ¹	Urinary drainage sets
Canes ¹	Fracture bed pans	Rectal tubes	Urine drainage tubes
Cast covers, boots	Gauze, surgical, sterile	Respirators	Urine testing strips
Catheters, temporary	Heating pads	Resuscitators	Urostomy bags, sets, supplies
Cervical collars	Hernia belts, supports and trusses	Rib belts	Vaccination shields
Colles splints	Hospital beds	Rings, invalid	Vaporizers
Colon tubes	Hot water bottles	Roll-about chairs ³	Walkers
Colostomy bags, sets, supplies	Hypodermic needles, syringes	Sinus masks	Wheelchairs and cushions
Commodos (portable toilets)	I P P B machines	Slings, arm	Wound cleansers
Condoms	I U Ds	Slings, knee	Wound dressings, sterile
	Ice bags, medical		

Prosthetic Devices

Exempt to all

Arch supports ⁴	Contact lenses, corrective	Hearing aids	Sound amplification devices for hearing impaired persons
Artificial limbs	Crowns (permanently attached by a dentist)	Hemodialysis equipment	Space maintainers
Artificial organs	Elevators (for use by a person with a disability in a residence)	Hydraulic patient lifts	Stairway elevators (for use by a person with a disability in a residence)
Artificial teeth	Eye glasses, prescription	Hydraulic wheelchair lifts	Surgical implants
Automobile controls (used by persons with disabilities)	Filler pads, mastectomy	Optical tactile converters	Telephone and other equipment for use by hearing impaired persons to aid in telephone communication
Bathtub lifts	Garments with built-in breast forms	Orthopedic implants	
Braille typewriters	(postmastectomy) ⁴	Otology implants	
Brassieres, surgical ⁴	Hair prosthesis ⁵	Pacemaker, cardiac	
Breast forms, mastectomy	Hearing aid batteries	Parts, special lettering, special attachments to appliances for use by persons with disabilities	
Cardiac pacemakers	(manufacturer designated)	Patient lifts	
Catheters, permanent		Power lift seats	
Closed-captioned TV program receivers			

Taxable to All

Air conditioners	Cotton, absorbent, unsterile	Massage devices	Sheets, plastic, rubber
Air purifiers and cleaners	Cotton, unsterile balls	Mattress covers	Skin removers
Athletic supports	Cotton, unsterile swabs	Medical charts	Straws
Basins	Dehumidifiers	Medical diaries	Sunglasses,
Bathtub safety rails, seats	Dental floss	Nose clips	non-prescription
Bed baths	Denture liners, cushions	Nose shields	Sun lamp goggles
Blackhead removers	Ear plugs, stopples	Nursers, baby bottles	Sun lamps
Bracelets, medical I.D.	Emesis basins	Nursing pads	Tongue blades, depressors
Braille games and books	Exercise equipment	Orthopedic mattresses	Tweezers
(except for the portion of	Fans	Overbed tables	Ultra-violet lamps
the price attributable to	Feminine hygiene syringes	Pads for eyeglasses	Vibrators
features used by a	Foot baths	Parallel bars	Wheelchair trays
person with a disability	Funnels	Poison records	Whirlpool baths, pumps,
which is in excess of the	Glass drinking tubes	Posture support chairs	concentrate
cost of similar non-braille	Grab bars	Prep brushes, surgical	
games and books)	Heaters	Pumice	
Cast cutters	Humidifiers	Sanitary napkins	

Endnotes

1. To be exempt, these items must be used as medical equipment.
2. These items are exempt from State and local sales and use taxes as medical equipment unless they are purchased by a person for use in providing medical or similar services for compensation. However, when these items are purchased for such use, they are exempt from the State's (4%) sales and use taxes as articles of clothing or footwear. This exemption, however, does not apply to all locally imposed sales and use taxes. See TSB-M-01(02)S, *Sales and Use Tax Exemption on Clothing, Footwear, and Items Used to Make or Repair Exempt Clothing*.
3. To be exempt, roll-about chairs must be comparable to wheelchairs and have wheels which are at least five inches in diameter.
4. These articles of clothing and footwear are exempt from all State and local sales and use taxes as prosthetic devices.
5. Since a hair prosthesis may be used for cosmetic purposes which do not relate to medical problems, sales tax must be paid when it is purchased. If the prosthesis is used as a result of a medical problem, an application for a refund of the tax paid may be made using Form AU-11. This form must be accompanied by a statement from the attending physician describing the specific medical problem which resulted in the need for a prosthesis.

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(6/01)

NEED HELP?



Telephone Assistance is available from 8:30 a.m. to 4:25 p.m.(eastern time), Monday through Friday.

For business tax information, call the
New York State Business Tax
Information Center: 1 800 972-1233

For general information: 1 800 225-5829

To order forms and publications: 1 800 462-8100

From areas outside the U.S. and
outside Canada: (518) 485-6800



Fax-on-Demand Forms -- Forms are available
24 hours a day, 7 days a week. 1 800 748-3676



Internet Access - www.tax.state.ny.us



Hotline for the Hearing and Speech Impaired -

1 800 634-2110 from 8:30 a.m. to 4:25 p.m.(eastern time), Monday through Friday. If you do not own a telecommunications device for the deaf (TDD), check with independent living centers or community action programs to find out where machines are available for public use.



Persons with Disabilities - In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.



Mailing Address - If you need to write, address your letter

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