

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H2/22/13
A Bill

HOUSE BILL 1400

By: Representative D. Altes

For An Act To Be Entitled

AN ACT CONCERNING THE SALES AND USE TAX ON HEARING AIDS; TO EXEMPT HEARING AIDS FROM THE REQUIREMENT THAT PROSTHETIC DEVICES BE PRESCRIBED BY A PHYSICIAN TO BE ELIGIBLE FOR THE SALES AND USE TAX EXEMPTION IF CERTAIN CONDITIONS ARE MET; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT HEARING AIDS FROM THE REQUIREMENT THAT PROSTHETIC DEVICES BE PRESCRIBED BY A PHYSICIAN TO BE ELIGIBLE FOR THE SALES AND USE TAX EXEMPTION IF CERTAIN CONDITIONS ARE MET.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 26-52-433(a), concerning the sales and use tax exemption for durable medical equipment, mobility-enhancement equipment, prosthetic devices, and disposable medical supplies, is amended to add an additional subdivision to read as follows:

(3) However, a prescription from a physician is not required for the gross receipts or gross proceeds derived from the sale of a hearing aid to be exempt from all state and local sales and use taxes if:

(A) The hearing aid is sold by a provider licensed under § 17-84-301 et seq. or § 17-100-301 et seq.; and

(B) The sale of the hearing aid complies with federal medical evaluation and referral requirements under 21 C.F.R. §§ 801.420 and 801.421.



SECTION 2. Arkansas Code § 26-53-141(a), concerning the sales and use tax exemption for durable medical equipment, mobility-enhancing equipment, prosthetic devices, and disposable medical supplies, is amended to add an additional subdivision to read as follows:

(3) However, a prescription from a physician is not required for the gross receipts or gross proceeds derived from the sale of a hearing aid to be exempt from all state and local sales and use taxes if:

(A) The hearing aid is sold by a provider licensed under § 17-84-301 et seq. or § 17-100-301 et seq.; and

(B) The sale of the hearing aid complies with federal medical evaluation and referral requirements under 21 C.F.R. §§ 801.420 and 801.421.

SECTION 3. EFFECTIVE DATE. Sections 1 and 2 of this act are effective on the first day of the calendar quarter following the effective date of this act.

/s/D. Altes