

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to retail sales and use tax;*  
 3 *exemption for prescription medicine and drugs purchased by veterinarians; sunset.*

4 [H 1698]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:**8 **§ 58.1-609.10. Miscellaneous exemptions.**9 The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not  
 10 apply to the following:

11 1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic  
 12 consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual  
 13 purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish  
 14 by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use  
 15 based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and  
 16 paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between  
 17 the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply  
 18 for a refund of the tax paid on the domestic use portion.

19 2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an  
 20 exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption  
 21 pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared  
 22 food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long  
 23 as such sales take place on fewer than 24 occasions in a calendar year.

24 3. Tangible personal property for future use by a person for taxable lease or rental as an established  
 25 business or part of an established business, or incidental or germane to such business, including a  
 26 simultaneous purchase and taxable leaseback.

27 4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of  
 28 the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed  
 29 to be delivery of goods for use or consumption outside of the Commonwealth.

30 5. Tangible personal property purchased with food coupons issued by the U.S. Department of Agriculture  
 31 under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for  
 32 Women, Infants, and Children.

33 6. Tangible personal property purchased for use or consumption in the performance of maintenance and  
 34 repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the  
 35 Commonwealth.

36 7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited,  
 37 reformatted or copied documents, including but not limited to documents stored on or transmitted by  
 38 electronic media, to its client or to third parties in the course of the professional's rendition of services to its  
 39 clientele.

40 8. School lunches sold and served to pupils and employees of schools and subsidized by government;  
 41 school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by  
 42 students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii)  
 43 by any other dealer, when such textbooks have been certified by a department or instructor of such institution  
 44 of learning as required textbooks for students attending courses at such institution.

45 9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and  
 46 contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other  
 47 devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of  
 48 charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists,  
 49 optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, advanced practice  
 50 registered nurses, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed  
 51 physician, optometrist, licensed advanced practice registered nurse, or licensed physician assistant in his  
 52 professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or  
 53 professional corporation, or any other type of corporation in which the shareholders and operators are all  
 54 licensed physicians, optometrists, licensed advanced practice registered nurses, or licensed physician  
 55 assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use  
 56 or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt

57 under this section; and samples of prescription drugs and medicines and their packaging distributed free of  
58 charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. §  
59 301 et seq., as amended).

60 10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters,  
61 urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically  
62 designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents  
63 that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or  
64 on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can  
65 withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not  
66 useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

67 11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

68 12. Special equipment installed on a motor vehicle when purchased by an individual with a disability to  
69 enable such individual to operate the motor vehicle.

70 13. Special typewriters and computers and related parts and supplies specifically designed for those  
71 products used by individuals with disabilities to communicate when such equipment is prescribed by a  
72 licensed physician.

73 14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation,  
74 treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and  
75 proprietary medicines distributed free of charge by the manufacturer, including packaging materials and  
76 constituent elements and ingredients.

77 b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations  
78 promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to  
79 cosmetics.

80 15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from  
81 taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision  
82 of the Commonwealth, or any school, agency, or instrumentality thereof.

83 16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under §  
84 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the  
85 provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership  
86 while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or  
87 other rooms in the public church buildings used in carrying out the work of the church and its related  
88 ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall  
89 also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising  
90 and are used in carrying out the work of the church; gifts including food for distribution outside the public  
91 church building; food, disposable serving items, cleaning supplies and teaching materials used in the  
92 operation of camps or conference centers by the church or an organization composed of churches that are  
93 exempt under this subdivision and which are used in carrying out the work of the church or churches; and  
94 property used in caring for or maintaining property owned by the church including, but not limited to,  
95 mowing equipment; and building materials installed by the church, and for which the church does not  
96 contract with a person or entity to have installed, in the public church buildings used in carrying out the work  
97 of the church and its related ministries, including, but not limited to worship services; administrative rooms;  
98 and kindergarten, elementary, and secondary schools.

99 17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings,  
100 incontinence products and wound-care products, when purchased by a Medicaid recipient through a  
101 Department of Medical Assistance Services provider agreement.

102 18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an  
103 individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide  
104 variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive  
105 pits.

106 19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the  
107 foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation  
108 under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization  
109 exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

110 20. Beginning July 1, 2018, and ending July 1, 2025, parts, engines, and supplies used for maintaining,  
111 repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This  
112 exemption shall not apply to tools and other equipment not attached to or that does not become a part of the  
113 aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems.  
114 However, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at  
115 least 2,400 pounds.

116 21. A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a  
117 safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking  
118 mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition

119 for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit  
120 offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into  
121 account in determining the selling price for purposes of this exemption.  
122 22. Beginning July 1, 2022, and ending July 1, ~~2025~~, 2028, prescription medicines and drugs purchased  
123 by veterinarians and administered or dispensed to patients within a veterinarian-client-patient relationship as  
124 defined in § 54.1-3303.

**ENROLLED**

**HB1698ER**