
DEPARTMENT OF STATE REVENUE
Revenue Ruling # 2008-18 ST
December 29, 2008

NOTICE: Under [IC 4-22-7-7](#), this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

Sales/Use Tax – Medical Devices

A company is seeking an opinion on whether its products are subject to Indiana sales tax.

STATEMENT OF FACTS

The company sells balloon catheter systems which are used by physicians to alleviate sinus conditions. The system is a single use medical device and can only be used by and upon the order of a physician.

The system consists of a guide catheter, guidewire, balloon catheter, and balloon inflation device. The guide catheter is inserted through a nostril. A guidewire is then pushed through the guide catheter and into the target sinus through the sinus opening. The balloon catheter is then pushed over the guidewire and positioned inside the sinus opening and inflated to expand the size of the sinus opening. The catheter is then deflated, removed, and disposed.

DISCUSSION

Under [IC 6-2.5-5-18](#),

(a) Sales of durable medical equipment, prosthetic devices, artificial limbs, orthopedic devices, dental prosthetic devices, eyeglasses, contact lenses, and other medical supplies and devices are exempt from the state gross retail tax, if the sales are prescribed by a person licensed to issue the prescription.

(b) Rentals of durable medical equipment and other medical supplies and devices are exempt from the state gross retail tax, if the rentals are prescribed by a person licensed to issue the prescription.

(c) Sales of hearing aids are exempt from the state gross retail tax if the hearing aids are fitted or dispensed by a person licensed or registered for that purpose. In addition, sales of hearing aid parts, attachments, or accessories are exempt from the state gross retail tax. For purposes of this subsection, a hearing aid is a device which is worn on the body and which is designed to aid, improve, or correct defective human hearing.

(d) Sales of colostomy bags, ileostomy bags, and the medical equipment, supplies, and devices used in conjunction with those bags are exempt from the state gross retail tax.

(e) Sales of equipment and devices used to administer insulin are exempt from the state gross retail tax.

Durable medical equipment is defined by [IC 6-2.5-1-18](#) as equipment (other than mobility enhancing equipment) that:

- (1) can withstand repeated use;
- (2) is primarily and customarily used to serve a medical purpose;
- (3) generally is not useful to a person in the absence of illness or injury; and
- (4) is not worn in or on the body.

Even though the balloon catheter systems are restricted for use by physicians only, the systems are not prescribed by a "person licensed to issue the prescription." Furthermore, because the system is only used one time, the system does not constitute "durable medical equipment." No other statutory exemption is applicable to the balloon catheter systems, and thus the balloon catheter system is subject to Indiana sales and use tax.

RULING

The company's balloon catheter system is subject to Indiana sales and use tax.

CAVEAT

This ruling is issued to the taxpayer requesting it on the assumption that the taxpayer's facts and circumstances as stated herein are correct. If the facts and circumstances given are not correct, or if they change, then the taxpayer requesting this ruling may not rely on it. However, other taxpayers with substantially identical factual situations may rely on this ruling for informational purposes in preparing returns and making tax decisions. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material respect from the facts and circumstances given in this ruling, then the ruling will not afford the taxpayer any protection. It should be noted that subsequent to the publication of this ruling a change in statute, regulation, or case law could void the ruling. If this occurs, the ruling will not afford the taxpayer any protection.

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