

2022 Regular Session

SENATE BILL NO. 129

BY SENATOR MORRIS

TAX/LOCAL. Exempts certain infused or injected prescription drugs from local sales tax.
(7/1/22)

1 AN ACT

2 To amend and reenact R.S. 47:305.76(A) and 337.9(D)(34) and to enact R.S.
3 47:305.76(B)(24) through (45), relative to local sales and use tax; to provide an
4 exemption from local sales and use tax for the purchase of certain infused or injected
5 prescription drugs; to provide for applicable diseases and conditions; to provide for
6 effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:305.76(A) and 337.9(D)(34) are hereby amended and reenacted
9 and R.S. 47:305.76(B)(24) through (45) are hereby enacted to read as follows:

10 §305.76. Exemption; infused **or injected** prescription drugs for treating certain
11 diseases and conditions

12 A. The tax imposed by the political subdivisions of the state shall not apply
13 to the procurement and administration of prescription drugs used exclusively by the
14 patient in his medical treatment when administered exclusively to the patient by a
15 physician, nurse, or other health care professional by infusion **or injection** in a
16 ~~physician's office~~ **medical clinic** where patients are not regularly kept as bed patients
17 for twenty-four hours or more.

1 B. The exemption provided for in Subsection A of this Section shall apply
2 only to prescription drugs that are prescribed for the treatment of the following
3 diseases and conditions:

4 * * *

5 **(24) Cancer.**

6 **(25) Alzheimer's Disease and Dementia.**

7 **(26) Migraine.**

8 **(27) Acute Bacterial Skin and Skin Structure Infection.**

9 **(28) Hypercholesterolemia.**

10 **(29) Plaque Psoriasis.**

11 **(30) Thyroid Eye Disease.**

12 **(31) Polyneuropathy of Hereditary Transthyretin Mediated Amyloidosis.**

13 **(32) Neuromyelitis Optica Spectrum Disorder.**

14 **(33) Alpha-1 Antitrypsin Deficiency.**

15 **(34) Gaucher's Disease.**

16 **(35) Fabry Disease.**

17 **(36) Pompe's Disease.**

18 **(37) Porphyria.**

19 **(38) Paroxysmal Nocturnal Hemoglobinuria.**

20 **(39) Wet Age-related Macular Degeneration.**

21 **(40) Diabetic Macular Edema.**

22 **(41) Diabetic Retinopathy.**

23 **(42) Retinal Vein Occlusion.**

24 **(43) Glaucoma.**

25 **(44) Ocular hypertension.**

26 **(45) Mucopolysaccharidosis type I (MPS I).**

27 * * *

28 §337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other
29 exemptions applicable

1 * * *

2 D. * * *

3 (34) R.S. 47:305.76, "key words": infused **or injected** prescription drugs for
4 treating certain diseases and conditions.

5 * * *

6 Section 2. This Act shall become effective on July 1, 2022; if vetoed by the governor
7 and subsequently approved by the legislature, this Act shall become effective on the day
8 following such approval by the legislature or July 1, 2022, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 129 Engrossed

2022 Regular Session

Morris

Present law (R.S. 47:305.76) provides an exemption from local sales and use tax for the purchase of certain infused prescription drugs.

Proposed law expands the exemption to include certain injected prescription drugs.

Present law provides that the exemption applies to prescription drugs used exclusively by the patient in his medical treatment when administered exclusively by a physician, nurse, or other health care professional by infusion in a physician's office where patients are not regularly kept as bed patients for twenty-four hours or more.

Proposed law changes the required location from physician's offices to medical clinics, and otherwise retains present law.

Present law provides that the exemption applies only to prescription drugs that are prescribed for the treatment of the following diseases and conditions:

- (1) Rheumatoid arthritis.
- (2) Psoriatic arthritis.
- (3) Lupus.
- (4) Chronic gout.
- (5) Osteoporosis.
- (6) Multiple sclerosis.
- (7) Myasthenia gravis.
- (8) Amyotrophic lateral sclerosis.
- (9) Chronic inflammatory demyelinating polyneuropathy.
- (10) Ulcerative colitis.

- (11) Crohn's disease.
- (12) Anemia.
- (13) Chronic or severe asthma.
- (14) Common variable immune deficiency.
- (15) Primary immune disorder.
- (16) Human immunodeficiency virus.
- (17) COVID-19.
- (18) Sickle cell disease.
- (19) Spinal muscular atrophy.
- (20) Sjogren's syndrome.
- (21) Huntington's disease.
- (22) Rett syndrome.
- (23) Ankylosing spondylitis.

Proposed law retains present law and adds the following diseases and conditions to the exemption:

- (24) Cancer.
- (25) Alzheimer's Disease and Dementia.
- (26) Migraine.
- (27) Acute Bacterial Skin and Skin Structure Infection.
- (28) Hypercholesterolemia.
- (29) Plaque Psoriasis.
- (30) Thyroid Eye Disease.
- (31) Polyneuropathy of Hereditary Transthyretin Mediated Amyloidosis.
- (32) Neuromyelitis Optica Spectrum Disorder.
- (33) Alpha-1 Antitrypsin Deficiency.
- (34) Gaucher's Disease.
- (35) Fabry Disease.
- (36) Pompe's Disease.
- (37) Porphyria.
- (38) Paroxysmal Nocturnal Hemoglobinuria.

- (39) Wet Age-related Macular Degeneration.
- (40) Diabetic Macular Edema.
- (41) Diabetic Retinopathy.
- (42) Retinal Vein Occlusion.
- (43) Glaucoma.
- (44) Ocular hypertension.
- (45) Mucopolysaccharidosis type I (MPS I).

Effective July 1, 2022.

(Amends R.S. 47:305.76(A) and 337.9(D)(34); adds R.S. 47:305.76(B)(24) - (45))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Expands the exemption to apply to additional diseases and conditions.
2. Removes language specifically authorizing mid-level providers to administer the drugs.