

**TITLE 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 110—Sales/Use Tax—Exemptions**

**PROPOSED AMENDMENT**

**12 CSR 10-110.013 Drugs and Medical Equipment.** The department is amending sections (2) - (4).

*PURPOSE: This proposed amendment is necessary to clarify definitions, examples, and the basic application of the original rule and to reflect changes made to section 144.030.2(18), RSMo, which have broadened the exemption.*

*PURPOSE: Section 144.030.2(18), RSMo, provides an exemption for prescription drugs, orthopedic and prosthetic devices, numerous dental items, hearing aids, hearing aid supplies and certain sales of over-the-counter drugs. This rule explains the sales tax law as it applies to these exemptions.*

**(2) Definition of Terms.**

(B) Over-the-counter drug—a drug product [*which*] **containing a drug facts label as required in 21 CFR 201.66 or its successor that** may be purchased without a physician's prescription.

(D) Prosthetic device—a device that replaces all or part of the function of a permanently inoperative or malfunctioning internal body organ and is medically required, **or an artificial leg, arm, or eye.**

**(3) Basic Application of Tax.**

(A) Sales of prescription drugs, insulin, medical grade oxygen, drug samples and materials used to manufacture samples, which may be dispensed by a licensed practitioner, are exempt from tax. [*Sales of over-the-counter drugs when sold to an individual with a disability or to the individual's agent are exempt from tax. When selling over-the-counter drugs to an individual with disability, the retailer should obtain a purchaser's signed statement of disability. The retailer should retain these statements for three (3) years. The statement should include the purchaser's name, type of purchase and amount of purchase, and be signed by the purchaser or the purchaser's agent. The retailer should request a form of identification, such as driver's license, credit card, etc. to verify the identity of the purchaser. Sales of prosthetic devices as defined on January 1, 1980, by the Federal Medicare Program under Title XVIII of the Social Security Act of 1965 are exempt from tax.*]

(B) Sales of **prosthetic and** orthopedic devices as defined by the [F]federal Medicare [P]program under Title XVIII of the Social Security Act of 1965 are exempt from tax.

(C) Also exempt from sales tax are items specified in section 1862(A)(12) of the Social Security Act of 1965. Exempt items included in this class are those used in connection with the treatment, removal or replacement of teeth or structures directly supporting teeth. Dental equipment or supplies are not exempt. The exempt items include[:] -

1. Dentures;
2. Inlays;
3. Bridge work;
4. Fillings;
5. Crowns;
6. Braces, **aligners, dental straighteners;** or
7. Artificial dentistry and dental reconstructions, which are made, manufactured, or fabricated from molds or impressions made by dentists of the mouths of their particular patients and sold to dentists for insertion in the patient's mouth as the direct support of, substitution for, or part of the patient's teeth.

**(E) Sales of over-the-counter drugs when sold to an individual with a disability or to the individual's agent are exempt from tax. When selling over-the-counter drugs to an individual with disability, the retailer should obtain a purchaser's signed statement of disability. The retailer should retain these statements for three (3) years. The statement should include the purchaser's name, type of purchase, and amount of purchase, and be signed by the purchaser or the purchaser's agent. The retailer should request a form of identification, such as drivers license, credit card, etc., to verify the identity of the purchaser.**

**(F) Sales of over-the-counter drugs prescribed by a health care practitioner licensed to prescribe are exempt from tax. The customer must provide the prescription at the time of purchase. The seller must retain an electronic or paper record documenting that an untaxed sale of an over-the-counter drug was prescribed by a health care practitioner licensed to prescribe.**

#### (4) Examples.

(E) Sales of other specific health-related equipment and accessories are exempt from sales tax.

1. These specific items are—

- A. Ambulatory aides, **including parts;**

- B. Braille writers;
- C. Electronic Braille equipment;
- D. Hospital beds and accessories;
- E. Home respiratory equipment and accessories, **including parts**;
- F. Stairway lifts; **and**
- G. Wheelchairs, manual and powered, **including parts..**

2. If purchased by or on behalf of a person with one (1) or more physical or mental disabilities to enable them to function more independently, the following items are also exempt:

- A. Electronic alternative and augmentative communication devices;
- B. Electronic print enlargers and magnifiers;
- C. Items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities;
- D. Reading machines; **and**
- E. Scooters, **including parts.**

*AUTHORITY: section 144.270, RSMo [1994] **2016**. \* Original rule filed Sept. 29, 1999, effective April 30, 2000. Amended: Filed Aug. 18, 2025.*

*\*Original authority: 144.270, RSMo 1939, amended 1941, 1943, 1945, 1947, 1955, 1961.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 West High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing scheduled.*

