

# OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION  
TONY MASTIN, DIRECTOR

PHONE (405) 521-3133  
FACSIMILE (405) 522-0063

May 8, 2002

Re: Our file Number LR-02-058; Sales tax on the sale of the Insulin Infusion Pump

Dear

This is in response to your inquiry concerning the taxability of the Insulin Infusion Pump sold by your company.

Although insulin is exempt from sales tax in Oklahoma because it is considered to be a legend drug, devices used in connection with insulin are not exempt. I have enclosed a copy of Oklahoma Tax Commission Rule 710:65-13-170 that deals with the exemption for insulin.

A medical service provider, that distributes the device to a patient who is covered by Medicare or Medicaid and for whom the cost of the device is reimbursed by Medicare or Medicaid, may be eligible for a refund of the sales or use tax paid on the purchase of the device if the service provider follows the requirements of Oklahoma Tax Commission rule 710:65-13-173.

This response applies only to the circumstances set out in your request of April 8, 2002. Pursuant to Commission Rule 710:1-3-73(e), this Letter Ruling may be generally relied upon **only** by the entity to whom it is issued, assuming that all pertinent facts have been accurately and completely stated, and that there has been no change in applicable law.

If I can be of further assistance, please feel free to contact me.

Sincerely,  
OKLAHOMA TAX COMMISSION



Michael G. Pillow  
Tax Policy Analyst

Enclosures