

# STATE OF COLORADO



DEPARTMENT OF REVENUE  
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Bill Ritter, Jr.  
Governor

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Executive Director

GIL-2008-035

December 16, 2008

XXXXXXXXXXXXXXXXXX  
Attn: XXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX

Re: medical supplies and equipment

Dear XXXXXXXXXXX,

Your company has submitted a request for guidance on the taxability of certain equipment sold by your company.

### Issue

Is the sale of Low Air Loss Therapy mattress (XXXXXXX): Pressure Reliving Mattress; Turning mattress; Bariatric Bed Frames/Mattresses; HI/LOW bed frames; and wheelchairs subject to sales tax.

### Discussion

Colorado levies sales tax on the sale or lease of tangible personal property. §39-26-104(1)(a), C.R.S. There are a number of exemptions related to medical equipment and supplies, including the sale of wheelchairs and hospital beds. §39-26-717(1)(a), C.R.S. Therapeutic devices, appliances and related accessories are also exempt, but such items must be sold in accordance with a written recommendation of a licensed doctor if such item sells for more than \$100.

The Department has a number of resources and publications that address sales tax issues. Department FYI Sales 68 specifically addresses medical supplies and equipment. I have enclosed a copy for your convenience. This and other publications can be viewed on our web site at: [www.revenue.state.co.us](http://www.revenue.state.co.us) and go to Taxation > Resources/Publications.

The Department does not make a determination in a general information letter regarding whether the specific products you describe fall within these exemptions. If you would like a determination regarding these specific products, you must submit a request for private letter ruling.

I also note that you are located outside of Colorado. You may wish to review Department FYI Sales 5 relating to sales tax issues for business located outside Colorado.

**Miscellaneous Matters**

Please note that the department does not collect sales and use taxes for “home-rule” cities and counties. You can find a list of these jurisdictions by visiting our web site at:

*www.revenue.state.co.us* (go to Taxation > Forms > Businesses > Sales and Use > DRP 1002)

Contact those governments for information about their taxes.

This general information letter represents the advice of experienced members of the Department’s staff. However, it is not binding on the department. Enclosed is a redacted version of this ruling. Pursuant to statute and regulation, this redacted version of the ruling will be made public within 60 days of the date of this letter. Please let me know in writing within that 60 day period whether you have any suggestions or concerns about this redacted version of the ruling.

Sincerely,

Neil L. Tillquist  
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