

Motion to amend Section 316.B of the Agreement as follows:

A member state may enact an entity-based or a use-based exemption without restriction if the Agreement does not have a definition for the product whose use or purchase by a specific entity is exempt or for a term that includes the product. If the Agreement has a definition for the product whose use or specific purchase is exempt, a member state may enact an entity-based or a use-based exemption that applies to that product as long as the exemption utilizes the Agreement definition of the product. If the Agreement does not have a definition for the product whose use or specific purchase is exempt but has a definition for a term that includes the product, a member state may enact an entity-based or a use-based exemption for the product without restriction; provided, however, that (1) “an entity-based exemption” does not include an exemption for sales to “individuals”, “human beings”, or similar entities; and (2) “a use-based exemption” does not include an exemption for the generic, standard, or only practical use for a product. If the definitions contained in Appendix C, Part II of the Agreement contain specific limitations or rules for use of a definition, those rules control over the limitations in this section and in Section 327.

Motion to amend Appendix C, Part II of the Agreement, under the “Health Care” category, as follows:

“Durable medical equipment” means equipment including repair and replacement parts for same, but does not include “mobility enhancing equipment,” which:

- A. Can withstand repeated use; and
- B. Is primarily and customarily used to serve a medical purpose; and
- C. Generally is not useful to a person in the absence of illness or injury; and
- D. Is not worn in or on the body.

A member state may exclude any or all of the following from the definition of “durable medical equipment:”

- A. Hospital bed.

A member state may limit its exemption to “durable medical equipment” used for home use only. A member state may limit the application of this definition by requiring a

“prescription,” or limit an exemption based on Medicare or Medicaid payments or reimbursements.

“Prosthetic device” means a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to:

- A. Artificially replace a missing portion of the body;
- B. Prevent or correct physical deformity or malfunction; or
- C. Support a weak or deformed portion of the body.

A member state may exclude any or all of the following from the definition of “prosthetic device:”

- B. Corrective eyeglasses;
- C. Contact lenses;
- D. Hearing aids;
- E. Dental prosthesis;
- F. Kidney dialysis equipment; and
- G. Oxygen delivery equipment.

A member state may limit the application of this definition by requiring a “prescription,” or limit an exemption based on Medicare or Medicaid payments or reimbursements.