

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1304

To amend the Internal Revenue Code of 1986 to impose an excise tax on sales of syringes and intravenous systems which do not meet antineedlestick prevention standards.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1993

Mr. STARK (for himself and Mr. RANGEL) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to impose an excise tax on sales of syringes and intravenous systems which do not meet antineedlestick prevention standards.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That (a) chapter 36 of the Internal Revenue Code of 1986  
4       (relating to certain other excise taxes) is amended by in-  
5       serting after subchapter D the following new subchapter:  
6       “SUBCHAPTER E—CERTAIN MEDICAL ITEMS

“Sec. 4491. Imposition of tax.

“Sec. 4492. Definitions and special rules.

1 **“SEC. 4491. IMPOSITION OF TAX.**

2 “(a) GENERAL RULE.—There is hereby imposed on  
3 the taxable sale of any taxable medical item a tax of 10  
4 cents per item.

5 “(b) TERMINATION.—No tax shall be imposed by this  
6 section on any sale after December 31, 1999.

7 **“SEC. 4492. DEFINITIONS AND SPECIAL RULES.**

8 “(a) TAXABLE MEDICAL ITEM.—For purposes of this  
9 subchapter—

10 “(1) IN GENERAL.—The term ‘taxable medical  
11 item’ means any item—

12 “(A) which is—

13 “(i) a syringe, or

14 “(ii) an item which is designed to be  
15 part of an intravenous system and to  
16 which a standard prescribed under para-  
17 graph (2) applies,

18 “(B) which is manufactured or produced in  
19 the United States or entered into the United  
20 States for consumption, use, or warehousing,  
21 and

22 “(C) which does not meet the applicable  
23 standard prescribed under paragraph (2).

24 “(2) ANTINEEDLESTICK PREVENTION STAND-  
25 ARDS.—Not later than the date 1 year after the date  
26 of the enactment of this section, the Commissioner

1 of the Food and Drug Administration shall prescribe  
2 safety performance standards for syringes, and such  
3 components of intravenous systems as such Commis-  
4 sioner deems appropriate, for purposes of preventing  
5 accidental needlestick injuries to health care provid-  
6 ers. Not less frequently than annually, such Com-  
7 missioner shall review such standards and make  
8 such revisions as such Commissioner may deem ap-  
9 propriate. Before prescribing any such standards or  
10 making any revisions of such standards, such Com-  
11 missioner shall consult with appropriate private  
12 sector experts.

13 “(3) EXEMPTIONS.—The Commissioner of the  
14 Food and Drug Administration may by regulation  
15 provide for such exemptions from the tax imposed by  
16 section 4491 as such Commissioner may deem  
17 appropriate.

18 “(b) TAXABLE SALE.—For purposes of this sub-  
19 chapter—

20 “(1) IN GENERAL.—The term ‘taxable sale’  
21 means any sale of a taxable medical item to a health  
22 care provider for use in the United States in provid-  
23 ing health care services, but only if such sale is the  
24 first sale to such a provider for such use after manu-  
25 facture, production, or importation.

1           “(2) HEALTH CARE PROVIDER.—The term  
2           ‘health care provider’ means any person or entity  
3           (including a governmental entity) which provides  
4           services covered under the insurance program estab-  
5           lished by title XVIII of the Social Security Act and  
6           which has a provider number issued pursuant to  
7           such program.

8           “(c) OTHER DEFINITIONS AND SPECIAL RULES.—  
9           For purposes of this subchapter—

10           “(1) UNITED STATES.—The term ‘United  
11           States’ has the meaning given such term by section  
12           4612(a)(4).

13           “(2) DISPOSITION OF REVENUES FROM PUERTO  
14           RICO AND THE VIRGIN ISLANDS.—The provisions of  
15           subsections (a)(3) and (b)(3) of section 7652 shall  
16           not apply to the tax imposed by section 4491.”

17           (b) The table of subchapters for chapter 36 of such  
18           Code is amended by inserting after the item relating to  
19           subchapter D the following new item:

                  “SUBCHAPTER E. Certain medical items.”

20           (c) The amendments made by this section shall apply  
21           to sales after December 31, 1996.

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