



COLORADO
Department of Revenue
Taxation Division

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GIL-2008-032

December 11, 2008

XXXXXXXXXXXXXXXXXXXX
Attn: XXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear XXXXXXXXXXXX,

This letter is in response to your inquiry of August 1, 2008 regarding the taxability of Binas Now Influenza A+B, Binax Now RSV Test, and One Step hCG Urine Class Test. The department issues both general information letters and private letter rulings. General information letters provide general advice and are not binding on the department. Private letter rulings provide determinations on specific set of facts, are binding on the department, and require the payment of a fee. For more information about these letters and rulings, please take a moment to review Department Regulation 24-35-103.5, which is available on the Department's web site at:

www.revenue.state.co.us and click on Taxation > Publications/Resources> Regulations > Final Regulations > Procedures and Administration

I will initially treat your company's request as one for a general information letter. Please let me know if you would like to request a private letter ruling.

Issue

1. Are Binas Now Influenza A+B, Binax Now RSV Test, and One Step hCG Urine Class Test subject to sales or use tax?

Discussion

Colorado imposes sales tax on the sale of tangible personal property, unless it is otherwise exempt. §39-26-104, C.R.S. There are a number of exemptions that apply to the sale of medically-related items. Prescription drugs, urine test kits, and the sale of drugs and materials furnished to a patient by a doctor as part of his or her medical services are among the items that are exempt. You can find more information about

these and other exemptions in our FYI Sales 68. This is available on our web site noted above (Go to Taxation > FYIs > Sales Tax > Sales 68).

Please note that the Department does not administer local sales taxes for home-rule cities and the taxes they levy may be different than those levied by the State of Colorado. Please contact these home-rule cities for more information about their taxes.

Finally, the Department must publish on its web site redacted versions of its general information letters. Your letter requesting this letter is not published. I enclose a redacted version of this letter. Please let me know within 60 days of the date of this letter whether you have any suggested changes to the redacted version.

Respectfully,

Office of Tax Policy
Colorado Department of Revenue