

**New York State Department of Taxation and Finance**  
**Taxpayer Services Division**  
**Technical Services Bureau**

TSB-H-81 (103) S  
Sales Tax  
May 21, 1981

STATE OF NEW YORK  
STATE TAX COMMISSION

ADVISORY OPINION

PETITION NO. S810224A

On February 24, 1981 a Petition for Advisory Opinion was received from Dalmed Corporation, 114 No. Main Street, Spring Valley, New York 10977.

The issue raised is whether the charges for membership in Petitioner's medical and emergency data and records organization is subject to State and local sales tax.

Section 1105(a) of the Tax Law imposes a tax on "The receipts from every retail sale of tangible personal property, except as otherwise provided in this article."

Section 1115(a) of the Tax Law provides for an exemption from such tax with respect to "(3) Drugs and medicines intended for use, internally or externally, in the cure, mitigation treatment or prevention of illnesses or diseases in human beings, medical equipment (including component parts thereof) and supplies required for such use or to correct or alleviate physical incapacity, and products consumed by humans for the preservation of health but not including...medical equipment...and supplies...purchased at retail for use in performing medical and similar services for compensation.... (4) Prosthetic aids, hearing aids, eyeglasses and artificial devices and component parts thereof purchased to correct or alleviate physical incapacity in human beings."

Accordingly, as the Medical and Emergency Data booklet and the microfilm medical history which Petitioner sells to its members constitute tangible personal property which is not medical equipment, supplies, prosthetic aids or artificial devices, the charges to members of \$25 for the first year and \$15 for each subsequent year constitute receipts from the retail sale of tangible personal property, and are subject to State and local sales taxes.

DATED: May 7, 1981

s/LOUIS ETLINGER  
Deputy Director  
Technical Services Bureau