

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

TSB-A-95 (34)S
Sales Tax
August 22, 1994

STATE OF NEW YORK
COMMISSIONER OF TAXATION AND FINANCE

ADVISORY OPINION

PETITION NO. S950426A

On April 26, 1995, a Petition for Advisory Opinion was received from MSS Electronics Inc., 220 Ferris Ave., White Plains, New York 10603.

The issue raised by Petitioner, MSS Electronics Inc., is whether the charge for its medical alarm alert service is subject to sales tax.

Petitioner is a provider of a medical alarm system called "LifeFone". Petitioner's alarm system is a 24 hour, 7 day a week, personal emergency response system which enables Petitioner's customers to summon help any time of the day or night. Petitioner's customers provide it with certain information about themselves which is to be used in case of a medical emergency. Petitioner provides its customers with an electronic sending unit and a pendant to be worn on the wrist or around the neck. The alarm may be activated by pressing a button on either the sending unit or the pendant.

Section 1115(r) of the Tax Law grants an exemption from the sales tax for "[R]eceipts from the sale of alarm call services designed specifically to respond to medical emergencies and the use of such services, otherwise taxable under paragraph eight of subdivision (c) of section eleven hundred five or under clause (C) of subdivision (a) of section eleven hundred ten of this article," (Emphasis supplied)

Provided Petitioner's alarm service, as heretofore described, is specifically designed for medical emergencies, it qualifies for the exemption from sales and compensating use taxes provided by Section 1115(r) of the Tax Law.

DATED: August 22, 1994

/s/
PAUL B. COBURN
Deputy Director
Taxpayer Services Division

NOTE: The opinions expressed in Advisory Opinions
are limited to the facts set forth therein.