



STATE BOARD OF EQUALIZATION

June 24, 1952

[X]

Dear Dr. [X]:

This is in reply to your letter of May 19 from which it appears that you are an oculist, but also that you dispense eye glasses to persons who have obtained their prescription for the glasses from other oculists, although in some instances you may have performed a portion of the ophthalmological examination.

Section 6018 of the Revenue and Taxation Code provides that a licensed optometrist or physician and surgeon is the consumer of the ophthalmic materials used or furnished by him in the performance of his professional services in the diagnosis for the aid thereof. It appears, however, that where you fill a prescription prepared by another oculist or optometrist you are acting as a dispensing optician and, pursuant to Sales and Use Tax Ruling 20, copy enclosed, you are considered the retailer of the glasses and required to hold a seller's permit and pay sales tax on your entire charge for the glasses. If, however, you actually make a substantial portion of the eye examination resulting in the particular prescription filled, it appears that you would be properly regarded as the consumer of the materials within the meaning of Ruling 20, the same as where the entire examination is made by you.

Very truly yours,

E. H. Stetson
Tax Counsel

EHS:ph