



Medical Device Excise Tax

Legislative Ask: Please co-sponsor legislation such as the “Protect Medical Innovation Act of 2011” (H.R. 436) and the “Medical Device Access and Innovation Protection Act” (S. 17) to repeal the 2.3% excise tax on medical devices provided for in the Affordable Care Act.

Legislative Background: H.R. 436 was introduced by Congressman Erik Paulsen (R-MN) on January 25, 2011. This bill currently has 229 co-sponsors. S. 17 was introduced by Senator Orrin Hatch (R-UT) on January 25, 2011 and has 20 co-sponsors.

The Impact: The Affordable Care Act includes a provision that requires a 2.3% excise tax on medical devices to be collected at the point of sale. Oral and maxillofacial surgeons utilize a number of devices and supplies on a daily basis that could be taxed at an additional 2.3% based on the definition of “medical device” provided in the law and in the Feb. 3, 2012 proposed rule released by the Internal Revenue Service. The tax was intended to raise revenue from the medical device community to help pay for the law’s cost of expanding access to care. Because the tax is added to the price of the device at the point of sale, however, device manufacturers will simply incorporate the tax into the price of the device, leaving health care providers – including oral and maxillofacial surgeons – and patients to bear the brunt of this provision’s financial impact. This runs counter to many of health care reform’s intended goals.



Medical Device Excise Tax

H.R. 436 - Protect Medical Innovation Act of 2011

Sponsor: Rep Paulsen, Erik [MN-3] (introduced 1/25/2011) **Cosponsors (229)** as of 3/16/2012

Latest Major Action: 1/25/2011 Referred to House committee. **Status:** Referred to the House Committee on Ways and Means.

COSPONSORS(229), ALPHABETICAL

Rep Adams, Sandy [FL-24]
Rep Aderholt, Robert B. [AL-4]
Rep Akin, W. Todd [MO-2]
Rep Alexander, Rodney [LA-5]
Rep Altmire, Jason [PA-4]
Rep Amash, Justin [MI-3]
Rep Amodei, Mark E. [NV-2]
Rep Austria, Steve [OH-7]
Rep Bachmann, Michele [MN-6]
Rep Bachus, Spencer [AL-6]
Rep Barletta, Lou [PA-11]
Rep Bartlett, Roscoe G. [MD-6]
Rep Barton, Joe [TX-6]
Rep Bass, Charles F. [NH-2]
Rep Benishek, Dan [MI-1]
Rep Berg, Rick [ND]
Rep Biggert, Judy [IL-13]
Rep Bilbray, Brian P. [CA-50]
Rep Bilirakis, Gus M. [FL-9]
Rep Bishop, Rob [UT-1]
Rep Black, Diane [TN-6]
Rep Blackburn, Marsha [TN-7]
Rep Bono Mack, Mary [CA-45]
Rep Boustany, Charles Jr. [LA-7]
Rep Brady, Kevin [TX-8]
Rep Brooks, Mo [AL-5]
Rep Broun, Paul C. [GA-10]
Rep Buchanan, Vern [FL-13]
Rep Bucshon, Larry [IN-8]
Rep Buerkle, Ann Marie [NY-25]
Rep Burgess, Michael C. [TX-26]
Rep Burton, Dan [IN-5]
Rep Calvert, Ken [CA-44]
Rep Campbell, John [CA-48]
Rep Canseco, Francisco [TX-23]
Rep Capito, Shelley Moore [WV-2]
Rep Capuano, Michael E. [MA-8]
Rep Carter, John R. [TX-31]
Rep Cassidy, Bill [LA-6]
Rep Chabot, Steve [OH-1]
Rep Chaffetz, Jason [UT-3]
Rep Coble, Howard [NC-6]
Rep Coffman, Mike [CO-6]
Rep Cole, Tom [OK-4]
Rep Conaway, K. Michael [TX-11]
Rep Cravaack, Chip [MN-8]
Rep Crawford, Eric A. "Rick" [AR-1]
Rep Crenshaw, Ander [FL-4]
Rep Critz, Mark S. [PA-12]
Rep Culberson, John Abney [TX-7]
Rep Davis, Geoff [KY-4]
Rep Davis, Susan A. [CA-53]
Rep Denham, Jeff [CA-19]
Rep Dent, Charles W. [PA-15]
Rep DesJarlais, Scott [TN-4]
Rep Diaz-Balart, Mario [FL-21]
Rep Dold, Robert J. [IL-10]
Rep Donnelly, Joe [IN-2]
Rep Duffy, Sean P. [WI-7]
Rep Duncan, Jeff [SC-3]
Rep Duncan, John J., Jr. [TN-2]
Rep Ellmers, Renee L. [NC-2]
Rep Emerson, Jo Ann [MO-8]
Rep Farenthold, Blake [TX-27]
Rep Fincher, Stephen Lee [TN-8]
Rep Fitzpatrick, Michael G. [PA-8]
Rep Fleischmann, Charles [TN-3]
Rep Fleming, John [LA-4]
Rep Flores, Bill [TX-17]
Rep Forbes, J. Randy [VA-4]
Rep Fortenberry, Jeff [NE-1]
Rep Foxx, Virginia [NC-5]
Rep Franks, Trent [AZ-2]
Rep Frelinghuysen, Rodney [NJ-11]
Rep Gallegly, Elton [CA-24]
Rep Gardner, Cory [CO-4]
Rep Garrett, Scott [NJ-5]
Rep Gerlach, Jim [PA-6]
Rep Gibbs, Bob [OH-18]
Rep Gibson, Christopher P. [NY-20]
Rep Gingrey, Phil [GA-11]
Rep Gohmert, Louie [TX-1]
Rep Goodlatte, Bob [VA-6]
Rep Gosar, Paul A. [AZ-1]
Rep Gowdy, Trey [SC-4]
Rep Granger, Kay [TX-12]
Rep Graves, Sam [MO-6]
Rep Graves, Tom [GA-9]
Rep Griffin, Tim [AR-2]
Rep Grimm, Michael G. [NY-13]
Rep Guinta, Frank C. [NH-1]
Rep Guthrie, Brett [KY-2]
Rep Hall, Ralph M. [TX-4]
Rep Hanna, Richard L. [NY-24]
Rep Harper, Gregg [MS-3]
Rep Harris, Andy [MD-1]
Rep Hartzler, Vicky [MO-4]
Rep Hayworth, Nan A. S. [NY-19]
Rep Heck, Joseph J. [NV-3]
Rep Heller, Dean [NV-2]
Rep Hensarling, Jeb [TX-5]
Rep Huelskamp, Tim [KS-1]
Rep Huizenga, Bill [MI-2]
Rep Hultgren, Randy [IL-14]
Rep Hunter, Duncan D. [CA-52]
Rep Hurt, Robert [VA-5]
Rep Issa, Darrell E. [CA-49]
Rep Jenkins, Lynn [KS-2]
Rep Johnson, Bill [OH-6]
Rep Johnson, Sam [TX-3]
Rep Johnson, Timothy V. [IL-15]
Rep Jones, Walter B., Jr. [NC-3]
Rep Jordan, Jim [OH-4]
Rep Kelly, Mike [PA-3]
Rep King, Peter T. [NY-3]
Rep King, Steve [IA-5]
Rep Kingston, Jack [GA-1]
Rep Kinzinger, Adam [IL-11]
Rep Kissell, Larry [NC-8]
Rep Kline, John [MN-2]
Rep Labrador, Raul R. [ID-1]
Rep Lamborn, Doug [CO-5]
Rep Lance, Leonard [NJ-7]
Rep Landry, Jeffrey M. [LA-3]
Rep Lankford, James [OK-5]
Rep LaTourette, Steven C. [OH-14]
Rep Latta, Robert E. [OH-5]
Rep Lee, Christopher J. [NY-26]
Rep Lewis, Jerry [CA-41]
Rep LoBiondo, Frank A. [NJ-2]
Rep Long, Billy [MO-7]
Rep Luetkemeyer, Blaine [MO-9]
Rep Lummis, Cynthia M. [WY]
Rep Lungren, Daniel E. [CA-3]
Rep Mack, Connie [FL-14]
Rep Manzullo, Donald A. [IL-16]
Rep Marchant, Kenny [TX-24]
Rep Marino, Tom [PA-10]
Rep Matheson, Jim [UT-2]
Rep McCaul, Michael T. [TX-10]
Rep McClintock, Tom [CA-4]
Rep McCotter, Thaddeus G. [MI-11]
Rep McHenry, Patrick T. [NC-10]
Rep McIntyre, Mike [NC-7]
Rep McKinley, David B. [WV-1]
Rep McMorris Rodgers, Cathy [WA-5]
Rep Meehan, Patrick [PA-7]
Rep Mica, John L. [FL-7]
Rep Miller, Candice S. [MI-10]
Rep Miller, Gary G. [CA-42]
Rep Miller, Jeff [FL-1]
Rep Mulvaney, Mick [SC-5]
Rep Murphy, Tim [PA-18]
Rep Myrick, Sue Wilkins [NC-9]
Rep Neugebauer, Randy [TX-19]
Rep Noem, Kristi L. [SD]
Rep Nugent, Richard [FL-5]
Rep Nunes, Devin [CA-21]
Rep Nunnelee, Alan [MS-1]
Rep Olson, Pete [TX-22]
Rep Palazzo, Steven M. [MS-4]
Rep Paul, Ron [TX-14]

Rep Pearce, Stevan [NM-2]
Rep Pence, Mike [IN-6]
Rep Petri, Thomas E. [WI-6]
Rep Pitts, Joseph R. [PA-16]
Rep Platts, Todd Russell [PA-19]
Rep Poe, Ted [TX-2]
Rep Pompeo, Mike [KS-4]
Rep Posey, Bill [FL-15]
Rep Price, Tom [GA-6]
Rep Quayle, Benjamin [AZ-3]
Rep Reed, Tom [NY-29]
Rep Rehberg, Denny [MT]
Rep Reichert, David G. [WA-8]
Rep Renacci, James B. [OH-16]
Rep Ribble, Reid J. [WI-8]
Rep Rigell, E. Scott [VA-2]
Rep Rivera, David [FL-25]
Rep Roby, Martha [AL-2]
Rep Roe, David P. [TN-1]
Rep Rogers, Mike J. [MI-8]
Rep Rokita, Todd [IN-4]
Rep Rooney, Thomas J. [FL-16]
Rep Ros-Lehtinen, Ileana [FL-18]

Rep Roskam, Peter J. [IL-6]
Rep Ross, Dennis [FL-12]
Rep Royce, Edward R. [CA-40]
Rep Runyan, Jon [NJ-3]
Rep Scalise, Steve [LA-1]
Rep Schilling, Robert T. [IL-17]
Rep Schmidt, Jean [OH-2]
Rep Schock, Aaron [IL-18]
Rep Schweikert, David [AZ-5]
Rep Scott, Austin [GA-8]
Rep Scott, Tim [SC-1]
Rep Sensenbrenner, James, Jr. [WI-5]
Rep Sessions, Pete [TX-32]
Rep Shimkus, John [IL-19]
Rep Shuster, Bill [PA-9]
Rep Simpson, Michael K. [ID-2]
Rep Smith, Christopher H. [NJ-4]
Rep Southerland, Steve [FL-2]
Rep Stearns, Cliff [FL-6]
Rep Stivers, Steve [OH-15]
Rep Stutzman, Marlin A. [IN-3]
Rep Sullivan, John [OK-1]
Rep Terry, Lee [NE-2]

Rep Thompson, Glenn [PA-5]
Rep Thornberry, Mac [TX-13]
Rep Tiberi, Patrick J. [OH-12]
Rep Tipton, Scott [CO-3]
Rep Turner, Michael R. [OH-3]
Rep Turner, Robert L. [NY-9]
Rep Upton, Fred [MI-6]
Rep Walberg, Tim [MI-7]
Rep Walden, Greg [OR-2]
Rep Walsh, Joe [IL-8]
Rep Webster, Daniel [FL-8]
Rep West, Allen B. [FL-22]
Rep Westmoreland, Lynn A. [GA-3]
Rep Whitfield, Ed [KY-1]
Rep Wilson, Joe [SC-2]
Rep Womack, Steve [AR-3]
Rep Woodall, Rob [GA-7]
Rep Yoder, Kevin [KS-3]
Rep Young, C.W. Bill [FL-10]
Rep Young, Don [AK]
Rep Young, Todd C. [IN-9]

S. 17 - Medical Device Access and Innovation Protection Act

Sponsor: Sen Hatch, Orrin G. [UT] (introduced 1/25/2011) **Cosponsors (20)** as of 3/16/2012

Latest Major Action: 1/25/2011 Referred to Senate committee. **Status:** Read twice and referred to the Committee on Finance.

COSPONSORS(20), ALPHABETICAL

Sen Ayotte, Kelly [NH]
Sen Barrasso, John [WY]
Sen Blunt, Roy [MO]
Sen Brown, Scott P. [MA]
Sen Burr, Richard [NC]
Sen Coats, Daniel [IN]
Sen Coburn, Tom [OK]

Sen Cornyn, John [TX]
Sen Heller, Dean [NV]
Sen Hoeven, John [ND]
Sen Inhofe, James M. [OK]
Sen Kirk, Mark Steven [IL]
Sen Lee, Mike [UT]
Sen Lugar, Richard G. [IN]

Sen Moran, Jerry [KS]
Sen Portman, Rob [OH]
Sen Risch, James E. [ID]
Sen Roberts, Pat [KS]
Sen Toomey, Pat [PA]
Sen Wicker, Roger F. [MS]