

109TH CONGRESS
1ST SESSION

H. R. 1545

To amend the Internal Revenue Code of 1986 to treat expenses for certain meal replacement and dietary supplement products that qualify for FDA-approved health claims as expenses for medical care.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. CANNON introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to treat expenses for certain meal replacement and dietary supplement products that qualify for FDA-approved health claims as expenses for medical care.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act shall be known as the “Dietary Supplement
5 and Healthy Meal Replacement Tax Parity Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) improving the health status of United
2 States citizens ranks as a top national priority of the
3 Federal Government;

4 (2) the importance of nutrition and the benefits
5 of dietary supplements and low-fat meal replacement
6 products to health promotion and disease prevention
7 have been documented increasingly in scientific stud-
8 ies;

9 (3) preventive health measures, including edu-
10 cation, good nutrition, and moderate exercise, plus
11 appropriate use of nutritional supplements, will limit
12 the incidence of chronic diseases and reduce long-
13 term health care expenditures;

14 (4) promotion of good health and nutrition im-
15 proves and extends lives while reducing health care
16 expenditures;

17 (5) reduction in health care expenditures is of
18 paramount importance to the future economic well-
19 being of the country;

20 (6) consumers should be empowered to make
21 informed choices about preventive health care pro-
22 grams based on data from scientific studies of health
23 benefits related to particular dietary supplements;
24 and

1 (7) Federal tax policy that promotes the con-
2 sumer’s access to safe dietary supplements and
3 healthy meal replacement products is necessary in
4 order to decrease exorbitant and ever-increasing
5 health care costs and to promote wellness.

6 **SEC. 3. AMOUNTS PAID FOR CERTAIN DIETARY SUPPLE-**
7 **MENTS AND MEAL REPLACEMENTS TREATED**
8 **AS MEDICAL EXPENSES.**

9 (a) IN GENERAL.—Paragraph (1) of section 213(d)
10 of the Internal Revenue Code of 1986 (relating to medical,
11 dental, etc., expenses) is amended by redesignating sub-
12 paragraphs (C) and (D) as subparagraphs (E) and (F),
13 respectively, and by inserting after subparagraph (B) the
14 following new subparagraphs:

15 “(C) for dietary supplements that are per-
16 mitted under section 403(r)(5)(D) of the Fed-
17 eral Food, Drug, and Cosmetic Act to bear la-
18 beling making a claim described in such section
19 (relating to health claims),

20 “(D) for meal replacement products that—

21 “(i) are permitted under section
22 403(r)(3) of the Federal Food, Drug, and
23 Cosmetic Act to bear labeling making a
24 claim described in such section (relating to
25 health claims), and

1 “(ii) may under section 403 of such
2 Act bear labeling providing that the prod-
3 ucts are low fat and are a good source of
4 protein, fiber, and multiple essential vita-
5 mins and minerals,”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Subparagraph (F) of section 213(d)(1) of
8 such Code, as redesignated by subsection (a), is
9 amended by striking “subparagraphs (A) and (B)”
10 and inserting “subparagraphs (A), (B), and (C)”.

11 (2) The last sentence of section 213(d)(1) of
12 such Code is amended by striking “subparagraph
13 (D)” and inserting “subparagraph (F)”.

14 (3) Paragraph (6) of section 213(d) of such
15 Code is amended—

16 (A) by striking “and (C)” and inserting
17 “and (E)”, and

18 (B) by striking “paragraph (1)(D)” in
19 subparagraph (A) and inserting “paragraph
20 (1)(F)”.

21 (4) Paragraph (7) of section 213(d) of such
22 Code is amended by striking “and (C)” and insert-
23 ing “and (E)”.

24 (5) Sections 72(t)(2)(D)(i)(III) and
25 7702B(a)(4) of such Code are each amended by

1 striking “section 213(d)(1)(D)” and inserting “sec-
2 tion 213(d)(1)(F)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 the date of enactment of this Act.

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