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114TH CONGRESS
1ST SESSION

H. R. 3404

To amend the Internal Revenue Code of 1986 to allow tax free distributions from health savings accounts for fitness facility membership and classes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

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

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A BILL

To amend the Internal Revenue Code of 1986 to allow tax free distributions from health savings accounts for fitness facility membership and classes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX FREE DISTRIBUTIONS FROM HEALTH SAVINGS ACCOUNTS FOR FITNESS FACILITY MEMBERSHIPS AND CLASSES.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) FITNESS FACILITY MEMBERSHIPS AND CLASSES TREATED AS MEDICAL EXPENSE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), amounts paid for membership at (or for participation or instruction in a program of physical exercise or physical activity conducted at or by) a fitness facility shall be treated as amounts paid for medical care.

"(ii) FITNESS FACILITY DEFINED.—For purposes of this subparagraph, the term 'fitness facility' means a facility—

"(I) providing instruction in a program of physical exercise, offering facilities for the preservation, maintenance, encouragement, or development of physical fitness, or serving as the site of such a program of a State or local government,

"(II) which is not a private club owned and operated by its members,

"(III) which does not offer golf, hunting, sailing, or riding facilities, "(IV) whose health or fitness facility is not incidental to its overall function and purpose, and

"(V) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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