

Language to allow eligibility for OTC drug oral healthcare products under FSAs and HSAs

SEC. 1. INCLUSION OF CERTAIN OVER-THE-COUNTER MEDICAL PRODUCTS AS QUALIFIED MEDICAL EXPENSES.

(a) HSAs.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking the last sentence of subparagraph (A) and inserting the following: “For purposes of this subparagraph, amounts paid for menstrual care products, toothbrushes (manual or electric), water flossers, or oral healthcare products shall be treated as paid for medical care.”, and

(2) by adding at the end the following new subparagraph:

“(E) ORAL HEALTHCARE PRODUCTS.—For purposes of this paragraph, the term ‘oral healthcare products’ means an over-the-counter anticaries drug product or antiplaque/antigingivitis over-the-counter drug product suitable for topical administration to the teeth or gums that is generally recognized as safe and effective under Section 505G of the federal Food, Drug, and Cosmetic Act.”.

(b) ARCHER MSAs.—Section 220(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence and inserting the following: “For purposes of this subparagraph, amounts paid for menstrual care products (as defined in section 223(d)(2)(D)), toothbrushes (manual or electric), water flossers, or oral healthcare products (as defined in section 223(d)(2)(E)) shall be treated as paid for medical care.”.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of the

Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) REIMBURSEMENT FOR TOOTHBRUSHES, WATER FLOSSERS, AND ORAL HEALTHCARE PRODUCTS.—For purposes of this section and section 105, expenses incurred for toothbrushes (manual or electric), water flossers, and oral healthcare products (as defined in section 223(d)(2)(E)) shall be treated as incurred for medical care.”.

(d) EFFECTIVE DATES.—

[to come]