

Dietary Supplements Access Act of 2023

Bipartisan legislation sponsored by Reps. Darin LaHood (R-Ill.), Brendan Boyle (D-Pa.), John Curtis (R-Utah), and Josh Gottheimer (D-N.J.) to give American consumers increased flexibility to best determine how to use their pre-tax dollars to stay healthy

Background:

- > Under current law, employees may put aside money in Flexible Spending Accounts (FSAs) and Health Savings Accounts (HSAs) before it has been taxed to pay for certain healthcare costs related to medical care, prescription drugs, dental and vision care, over-the-counter (OTC) medications, and menstrual products. However, it does not recognize dietary supplements – including multivitamins, probiotics, essential nutrients, and omega-3s – as “qualified medical expenses.”
- > According to **results** from a 2023 FSA and HSA Reimbursement Study, most Americans (78%) who currently have an FSA or HSA account want the flexibility to choose how to best use their pre-tax dollars to stay healthy by using these accounts to purchase dietary supplements.

Solution:

- > H.R. 4794, *The Dietary Supplements Access Act*, would deliver the type of reforms today’s proactive consumers are asking for and deserve by allowing them to use their FSAs and HSAs to purchase dietary supplements, giving millions of Americans increased flexibility in how they manage their unique health and wellness needs.
- > In 2020, a new law reinstated FSA/HSA eligibility for OTC medicines and, for the first time, feminine care products. The Dietary Supplements Access Act builds on this momentum by also including dietary supplements as qualified medical expenses.
- > In addition to the Consumer Healthcare Products Association (CHPA), the legislation is supported by the American Herbal Products Association (AHPA), the Council for Responsible Nutrition (CRN), the Natural Products Association (NPA), and the United Natural Products Alliance (UNPA).

Why the Legislation is Important & Who it Would Help:

- > HSA plans are used by Americans from every income level, with the average HSA contribution being two percent of household income, according to the Employee Benefits Research Institute. Additionally, estimates show around 60 million consumers already use FSAs and HSAs to save money on eligible healthcare expenses, including OTC medicines and feminine care products.
- > As consumers adopt a more proactive approach to their health and wellness, they are increasingly turning to dietary supplements. In fact, the Centers for Disease Control and Prevention (CDC) reports that nearly 60% of Americans take dietary supplements each month.
- > With many Americans living in underserved communities where they have limited access to nutritious foods or healthcare – known as health deserts – dietary supplements can help fill critical nutritional gaps in their diet.
- > Additionally, science now points to the importance of other nutrients, such as iodine and choline, in the development of babies’ brains and nervous systems. For example, the CDC recommends women of reproductive age consume 400 micrograms of folic acid each day to help prevent major birth defects of the baby’s brain and spine. Expanding FSA/HSA eligibility to include dietary supplements is an efficient way, and logical next step, to help consumers of all income levels and stages of life better manage their personal health needs and wellness expenses.

About the Consumer Healthcare Products Association:

The Consumer Healthcare Products Association (CHPA) is the leading voice fighting to ensure that Americans have access to over-the-counter medications, dietary supplements, and consumer medical devices they can count on to be reliable, save money and time, and deliver new and better ways to get and stay healthy. CHPA’s mission is to empower self-care by preserving and expanding choice and availability of consumer healthcare products.