

# H.R. 8599, the Oral Health Products Inclusion Act

Bipartisan legislation, sponsored by U.S. Reps. Jeff Van Drew (NJ-02), Brad Schneider (IL-10), Nicole Malliotakis (NY-11), and Jimmy Panetta (CA-19), builds upon previous congressional action by allowing Americans to use FSA-HSA funds to purchase everyday, essential over-the-counter (OTC) oral care products, a preventative approach that can reduce Americans' long-term care costs and ultimately ease the overall burden on our healthcare system.

# CHPA

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## Background:

Poor oral health drives up expenses for Americans and further strains our already-overburdened healthcare system.

Nearly half (46%) of Americans ages 30 and older show signs of gum disease and one-in-five low-income adults – two times higher than the overall rate – admit their oral health is poor. Rural Americans face even worse oral health outcomes, are less likely to receive preventive dental services, and are more likely to seek emergency or urgent oral care from non-dentists.

The Centers for Disease Control and Prevention (CDC) considers tooth decay to be a “common chronic disease” that when left untreated “can progress and lead to infection, tooth loss, and more complex and expensive treatments,” for conditions such as diabetes, cardiovascular disease, arthritis, Alzheimer’s, COPD, liver disease, and more.

In the United States, emergency dental care visits due to untreated oral diseases result in more than \$45 billion in lost work productivity and children losing 34 million hours of school on average annually.

## Solution:

Encouraging Americans to take charge of their own oral health by making items such as toothbrushes, water flossers, anti-cavity toothpaste, mouthwash, and similar oral care products eligible for purchase with Flexible Spending Account (FSA) and Health Savings Account (HSA) funds is a proactive approach that can give consumers increased flexibility to manage their unique needs and ultimately reduce long-term healthcare costs.

The **Oral Health Products Inclusion Act** would build upon current law to expand FSA/HSA eligibility to certain OTC oral care products so Americans can better manage their dental health needs and reduce the potential for long-term medical expenses associated with chronic conditions.

- > In addition to the Consumer Healthcare Products Association (CHPA), the legislation is supported by the American Dental Association (ADA).

## Who this Legislation Would Help:

- > Approximately 60 million consumers already use FSAs and HSAs to save money on eligible healthcare expenses, including OTC medicines and feminine care products. These accounts are used by Americans from every income level.
- > Data shows that FSAs and HSAs are associated with reductions in overall healthcare spending. Promoting access to oral healthcare products for Americans with FSAs or HSAs is better for our healthcare system overall and for taxpayers.
- > Encouraging people to use these accounts as a resource that can help them take charge of their own health can help improve oral health outcomes in underprivileged communities and reduce oral health disparities by making these products more accessible.

## Did you know?

In 2020, Congress took a strong bipartisan step to reinstate consumers' ability to use their FSA/HSA accounts to purchase OTC products, and for the first time, feminine care products, through the passage of the CARES Act.

In addition to OTC medicines and feminine care products, current law also allows consumers to use these accounts to pay for certain other healthcare costs including prescription drugs, dental care, and vision care. Unfortunately, **most products for oral health care are not considered “qualified medical expenses” eligible for FSA/HSA spending.**

## 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 trusted consumer healthcare products.