

118TH CONGRESS
1ST SESSION

H. R. 1769

To amend the Internal Revenue Code of 1986 to create health freedom accounts available to all individuals.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2023

Mr. ROY (for himself, Mr. WEBER of Texas, Mr. GREEN of Tennessee, Mr. ROSENDALE, Ms. GREENE of Georgia, Mrs. BOEBERT, and Mr. GOOD of Virginia) 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 create health freedom accounts available to all individuals.

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 may be cited as the “Healthcare Freedom
5 Act of 2023”.

6 **SEC. 2. HEALTH FREEDOM ACCOUNTS.**

7 (a) IN GENERAL.—Section 223 of the Internal Rev-
8 enue Code of 1986 is amended by striking “health savings
9 account” and “health savings accounts” each place such

1 terms appear and inserting “health freedom account” and
2 “health freedom accounts”, respectively.

3 (b) ALL INDIVIDUALS ALLOWED DEDUCTIONS FOR
4 CONTRIBUTIONS.—Section 223(a) of the Internal Revenue
5 Code of 1986 is amended by striking “who is an eligible
6 individual for any month during the taxable year”.

7 (c) NO LIMITATION ON PURCHASING HEALTH COV-
8 ERAGE FROM HEALTH FREEDOM ACCOUNTS.—Section
9 223(d)(2) of the Internal Revenue Code of 1986 is amend-
10 ed by striking subparagraphs (B) and (C) and the last
11 sentence of subparagraph (A) and by adding at the end
12 the following new subsection:

13 “(B) ADDITIONAL EXPENSES.—The term
14 ‘qualified medical expenses’ includes costs asso-
15 ciated with direct primary care, health care
16 sharing ministries, and medical cost sharing or-
17 ganizations.”.

18 (d) TRANSFERS ALLOWED TO OTHER HEALTH
19 FREEDOM ACCOUNTS.—Section 223(f)(5) of the Internal
20 Revenue Code of 1986 is amended to read as follows:

21 “(5) ROLLOVER CONTRIBUTION.—An amount
22 paid or distributed from a health freedom account is
23 a rollover contribution to the extent the amount re-
24 ceived is paid into any other health freedom account

1 not later than the 60th day after the date of such
2 payment or distribution.”.

3 (e) INCREASE IN CONTRIBUTION LIMITS.—Section
4 223(b)(1) of such Code is amended by striking “the sum
5 of the monthly” and all that follows through “eligible indi-
6 vidual” and inserting “\$12,000 (twice such amount in the
7 case of a joint return)”.

8 (f) CONFORMING AMENDMENTS.—

9 (1) Section 223(b) of such Code is amended by
10 striking paragraphs (2), (5), (7), and (8) and by re-
11 designating paragraphs (3), (4), and (6) as para-
12 graphs (2), (3), and (4), respectively.

13 (2) Section 223(b)(2) of such Code (as redesign-
14 nated by paragraph (2)) is amended to read as fol-
15 lows:

16 “(2) ADDITIONAL CONTRIBUTIONS FOR INDI-
17 VIDUALS 55 OR OLDER.—In the case of an individual
18 who has attained age 55 before the close of the tax-
19 able year, the limitation under paragraph (1) shall
20 be increased by \$5,000.”.

21 (3) Section 223(b)(3) of such Code (as redesign-
22 nated by subparagraph (A)) is amended by striking
23 the last sentence.

24 (4) Section 223 of such Code is amended by
25 striking subsection (c).

1 (5) Section 223(d)(1)(A) of such Code is
2 amended by striking “will be accepted” and all that
3 follows through the period at the end and inserting
4 “will be accepted unless it is in cash.”.

5 (6) Section 223(f) of such Code is amended by
6 striking paragraphs (7) and (8).

7 (7) Section 223(g)(1) of such Code is amend-
8 ed—

9 (A) by striking “Each dollar amount in
10 subsections (b)(2) and (c)(2)(A)” and inserting
11 “The dollar amount in subsection (b)(1)”;

12 (B) by striking “thereof” and all that fol-
13 lows in subparagraph (B) through “‘calendar
14 year 2003’.” and inserting “‘calendar year
15 1997’.”; and

16 (C) by striking “under subsections (b)(2)
17 and (c)(2)(A)” and inserting “under subsection
18 (b)(1)”.

19 (8) The table of sections for part VII of sub-
20 chapter B of chapter 1 of the Internal Revenue Code
21 of 1986 is amended in the item relating to section
22 223 by striking “savings” and inserting “freedom”.

23 (g) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to months in taxable

1 years beginning after the date of the enactment of this
2 Act.

3 **SEC. 3. EXCLUSION FOR EMPLOYER CONTRIBUTIONS TO**
4 **HEALTH FREEDOM ACCOUNTS.**

5 (a) EMPLOYER EXCLUSION.—

6 (1) IN GENERAL.—The Internal Revenue Code
7 of 1986 is amended by inserting after section 106
8 the following new section:

9 **“SEC. 106A. CONTRIBUTIONS BY EMPLOYERS TO HEALTH**
10 **FREEDOM ACCOUNTS.**

11 “In the case of any employee hired by an employer
12 on or after the date that is 5 years after the date of the
13 enactment of this section, gross income of such employee
14 does not include amounts contributed by such employer
15 to a health freedom account of such employee.”.

16 (2) EXCLUSION FOR CONTRIBUTIONS BY EM-
17 PLOYER TO ACCIDENT AND HEALTH PLANS.—Sec-
18 tion 106 of such Code is amended by adding at the
19 end the following new subsection:

20 “(h) TERMINATION.—In the case of any employee
21 hired by an employer on or after the date that is 5 years
22 after the date of the enactment of this section, this section
23 shall not apply to coverage provided by such employer with
24 respect to such employee.”.

1 (3) CONFORMING AMENDMENT.—The table of
2 sections for part III of subchapter B of chapter 1
3 of such Code is amended by striking the item relat-
4 ing to section 106 and inserting the following:

“Sec. 106A. Contributions by employers to health freedom accounts.”.

5 (4) EFFECTIVE DATE.—The amendments made
6 by this subsection shall apply with respect to em-
7 ployees hired on or after the date that is 5 years
8 after the date of the enactment of this Act.

9 (b) TRANSITION RULE.—

10 (1) IN GENERAL.—Section 106(d)(1) of the In-
11 ternal Revenue Code of 1986 is amended to read as
12 follows:

13 “(1) IN GENERAL.—Amounts contributed by an
14 employee’s employer to any health freedom account
15 (as defined in section 223(d)) of such employee shall
16 be treated as employer-provided coverage for medical
17 expenses under an accident or health plan.”.

18 (2) IN GENERAL.—The amendment made by
19 this subsection shall apply with respect to taxable
20 years beginning after the date of the enactment of
21 this Act.

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