

115TH CONGRESS  
2D SESSION

# S. 2496

To amend the Internal Revenue Code of 1986 to establish Small Business Health Accounts.

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2018

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to establish Small Business Health Accounts.

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 “Small Business Health  
5 Account Act of 2018”.

6 **SEC. 2. SMALL BUSINESS HEALTH ACCOUNTS.**

7 (a) IN GENERAL.—Part VIII of subchapter B of  
8 chapter 1 of the Internal Revenue Code of 1986 is amend-  
9 ed by redesignating section 224 as section 225 and insert-  
10 ing after section 223 the following new section:

1 **“SEC. 224. SMALL BUSINESS HEALTH ACCOUNTS.**

2       “(a) DEDUCTION ALLOWED.—In the case of an indi-  
3 vidual who is an eligible individual for any month during  
4 the taxable year, there shall be allowed as a deduction for  
5 the taxable year an amount equal to the aggregate amount  
6 paid in cash during such taxable year by or on behalf of  
7 such individual to a small business health account of such  
8 individual.

9       “(b) LIMITATIONS.—

10           “(1) IN GENERAL.—The amount allowable as a  
11 deduction under subsection (a) to an individual for  
12 the taxable year shall not exceed the sum of the  
13 monthly limitations for months during such taxable  
14 year that the individual is an eligible individual.

15           “(2) MONTHLY LIMITATION.—The monthly lim-  
16 itation for any month is  $\frac{1}{12}$  of—

17           “(A) in the case of an eligible individual  
18 who is not described in subparagraph (B),  
19 \$3,400, or

20           “(B) in the case of an eligible individual  
21 who is a head of a household or married (within  
22 the meaning of section 7703) and filing a joint  
23 return under section 6013 for the taxable year,  
24 \$6,750.

25           “(3) ADDITIONAL CONTRIBUTIONS FOR INDI-  
26 VIDUALS 55 OR OLDER.—In the case of an individual

1 who has attained age 55 before the close of the tax-  
2 able year, the applicable limitation under subpara-  
3 graphs (A) and (B) of paragraph (2) shall be in-  
4 creased by \$1,000.

5 “(4) COORDINATION WITH OTHER CONTRIBU-  
6 TIONS.—

7 “(A) IN GENERAL.—The limitation which  
8 would (but for this paragraph) apply under this  
9 subsection to an individual for any taxable year  
10 shall be reduced (but not below zero) by the  
11 sum of—

12 “(i) the aggregate amount paid for  
13 such taxable year to Archer MSAs of such  
14 individual,

15 “(ii) the aggregate amount contrib-  
16 uted to small business health accounts of  
17 such individual which is excludable from  
18 the taxpayer’s gross income for such tax-  
19 able year under section 106(d) (and such  
20 amount shall not be allowed as a deduction  
21 under subsection (a)), and

22 “(iii) the aggregate amount contrib-  
23 uted to small business health accounts of  
24 such individual for such taxable year under  
25 section 408(d)(10) (and such amount shall

1 not be allowed as a deduction under sub-  
2 section (a)).

3 “(B) EXCEPTION.—Subparagraph (A)(i)  
4 shall not apply with respect to any individual to  
5 whom paragraph (5) applies.

6 “(5) SPECIAL RULE FOR MARRIED INDIVID-  
7 UALS.—In the case of individuals who are married  
8 to each other, the limitation under paragraph (1)  
9 (without regard to any additional contribution  
10 amount under paragraph (3))—

11 “(A) shall be reduced by the aggregate  
12 amount paid to Archer MSAs of such spouses  
13 for the taxable year, and

14 “(B) after such reduction, shall be divided  
15 equally between them unless they agree on a  
16 different division.

17 “(6) DENIAL OF DEDUCTIONS TO DEPEND-  
18 ENTS.—No deduction shall be allowed under this  
19 section to any individual with respect to whom a de-  
20 duction under section 151 is allowable to another  
21 taxpayer for a taxable year beginning in the cal-  
22 endar year in which such individual’s taxable year  
23 begins.

24 “(7) MEDICARE ELIGIBLE INDIVIDUALS.—The  
25 limitation under this subsection for any month with

1 respect to an individual shall be zero for the first  
2 month such individual is entitled to benefits under  
3 title XVIII of the Social Security Act and for each  
4 month thereafter.

5 “(8) INCREASE IN LIMIT FOR INDIVIDUALS BE-  
6 COMING ELIGIBLE INDIVIDUALS AFTER THE BEGIN-  
7 NING OF THE YEAR.—

8 “(A) IN GENERAL.—For purposes of com-  
9 puting the limitation under paragraph (1) for  
10 any taxable year, an individual who is an eligi-  
11 ble individual during the last month of such  
12 taxable year shall be treated as having been an  
13 eligible individual during each of the months in  
14 such taxable year.

15 “(B) FAILURE TO MAINTAIN ELIGI-  
16 BILITY.—

17 “(i) IN GENERAL.—If, at any time  
18 during the testing period, the individual is  
19 not an eligible individual, then—

20 “(I) gross income of the indi-  
21 vidual for the taxable year in which  
22 occurs the first month in the testing  
23 period for which such individual is not  
24 an eligible individual is increased by  
25 the aggregate amount of all contribu-

1           tions to the small business health ac-  
2           count of the individual which could  
3           not have been made but for subpara-  
4           graph (A), and

5                   “(II) the tax imposed by this  
6           chapter for any taxable year on the  
7           individual shall be increased by 10  
8           percent of the amount of such in-  
9           crease.

10                   “(ii) EXCEPTION FOR DISABILITY OR  
11           DEATH.—Subclauses (I) and (II) of clause  
12           (i) shall not apply if the individual ceased  
13           to be an eligible individual by reason of the  
14           death of the individual or the individual  
15           becoming disabled (within the meaning of  
16           section 72(m)(7)).

17                   “(iii) TESTING PERIOD.—The term  
18           ‘testing period’ means the period beginning  
19           with the last month of the taxable year re-  
20           ferred to in subparagraph (A) and ending  
21           on the last day of the twelfth month fol-  
22           lowing such month.

23                   “(c) DEFINITIONS AND SPECIAL RULES.—For pur-  
24           poses of this section—

1           “(1) ARCHER MSA.—The term ‘Archer MSA’  
2 has the meaning given such term in section 220(d).

3           “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
4 individual’ means, with respect to any month, any  
5 individual if—

6                   “(A) such individual is employed by a  
7 small business, and

8                   “(B) except as provided under subsection  
9 (f)(5)(B), no cash has been paid during such  
10 month by or on behalf of such individual to a  
11 health savings account under section 223.

12           “(3) SMALL BUSINESS.—The term ‘small busi-  
13 ness’ means a small business concern (as defined  
14 under section 3 of the Small Business Act (15  
15 U.S.C. 632)).

16           “(d) SMALL BUSINESS HEALTH ACCOUNT.—For  
17 purposes of this section—

18                   “(1) IN GENERAL.—The term ‘small business  
19 health account’ means a trust created or organized  
20 in the United States as a small business health ac-  
21 count exclusively for the purpose of paying the quali-  
22 fied medical expenses of the account beneficiary, but  
23 only if the written governing instrument creating the  
24 trust meets the following requirements:

1           “(A) Except in the case of a rollover con-  
2           tribution described in subsection (f)(5) or sec-  
3           tion 220(f)(5), no contribution will be accept-  
4           ed—

5                   “(i) unless it is in cash, or

6                   “(ii) to the extent such contribution,  
7           when added to previous contributions to  
8           the trust for the calendar year, exceeds the  
9           sum of—

10                   “(I) the dollar amount in effect  
11           under subsection (b)(2), and

12                   “(II) the dollar amount in effect  
13           under subsection (b)(3).

14           “(B) The trustee is a bank (as defined in  
15           section 408(n)), an insurance company (as de-  
16           fined in section 816), or another person who  
17           demonstrates to the satisfaction of the Sec-  
18           retary that the manner in which such person  
19           will administer the trust will be consistent with  
20           the requirements of this section.

21           “(C) No part of the trust assets will be in-  
22           vested in life insurance contracts.

23           “(D) The assets of the trust will not be  
24           commingled with other property except in a



1 common trust fund or common investment  
2 fund.

3 “(E) The interest of an individual in the  
4 balance in their account is nonforfeitable.

5 “(2) QUALIFIED MEDICAL EXPENSES.—

6 “(A) IN GENERAL.—The term ‘qualified  
7 medical expenses’ means, with respect to an ac-  
8 count beneficiary, amounts paid by such bene-  
9 ficiary for—

10 “(i) medical care (as defined in sec-  
11 tion 213(d)) for such individual, the spouse  
12 of such individual, and any dependent (as  
13 defined in section 152, determined without  
14 regard to subsections (b)(1), (b)(2), and  
15 (d)(1)(B) thereof) of such individual, but  
16 only to the extent such amounts are not  
17 compensated for by insurance or otherwise,  
18 and

19 “(ii) coverage under a health plan.

20 “(B) PRESCRIBED DRUG.—The term  
21 ‘qualified medical expenses’ shall include an  
22 amount paid for medicine or a drug only if such  
23 medicine or drug is a prescribed drug (deter-  
24 mined without regard to whether such drug is  
25 available without a prescription) or is insulin.

1 “(C) PROHIBITION.—

2 “(i) IN GENERAL.—The term ‘quali-  
3 fied medical expenses’ shall not include any  
4 amount paid for—

5 “(I) an abortion,

6 “(II) any health plan coverage  
7 described in clause (ii) of subpara-  
8 graph (A) which includes coverage for  
9 abortion, or

10 “(III) any prescribed drug, as de-  
11 scribed in subparagraph (B), for an  
12 abortion.

13 “(ii) EXCEPTION.—This subpara-  
14 graph shall not apply in the case of—

15 “(I) a pregnancy which is the re-  
16 sult of an act of rape or incest, or

17 “(II) a woman who suffers from  
18 a physical disorder, physical injury, or  
19 physical illness that would, as certified  
20 by a physician, place the woman in  
21 danger of death unless an abortion is  
22 performed, including a life-endan-  
23 gering physical condition caused by or  
24 arising from the pregnancy itself.

1           “(3) ACCOUNT BENEFICIARY.—The term ‘ac-  
2           count beneficiary’ means the individual on whose be-  
3           half the small business health account was estab-  
4           lished.

5           “(4) CERTAIN RULES TO APPLY.—Rules similar  
6           to the rules described in section 223(d)(4) shall  
7           apply for purposes of this section.

8           “(e) TAX TREATMENT OF ACCOUNTS.—Rules similar  
9           to the rules described in section 223(e) shall apply for pur-  
10          poses of this section.

11          “(f) TAX TREATMENTS OF DISTRIBUTIONS.—

12           “(1) AMOUNTS USED FOR QUALIFIED MEDICAL  
13           EXPENSES.—Any amount paid or distributed out of  
14           a small business health account which is used exclu-  
15           sively to pay qualified medical expenses of any ac-  
16           count beneficiary shall not be includible in gross in-  
17           come.

18           “(2) INCLUSION OF AMOUNTS NOT USED FOR  
19           QUALIFIED MEDICAL EXPENSES.—Any amount paid  
20           or distributed out of a small business health account  
21           which is not used exclusively to pay the qualified  
22           medical expenses of the account beneficiary shall be  
23           included in the gross income of such beneficiary.

24           “(3) EXCESS CONTRIBUTIONS RETURNED BE-  
25           FORE DUE DATE OF RETURN.—

1           “(A) IN GENERAL.—If any excess con-  
2           tribution is contributed for a taxable year to  
3           any small business health account of an indi-  
4           vidual, paragraph (2) shall not apply to dis-  
5           tributions from the small business health ac-  
6           counts of such individual (to the extent such  
7           distributions do not exceed the aggregate excess  
8           contributions to all such accounts of such indi-  
9           vidual for such year) if—

10                   “(i) such distribution is received by  
11                   the individual on or before the last day  
12                   prescribed by law (including extensions of  
13                   time) for filing such individual’s return for  
14                   such taxable year, and

15                   “(ii) such distribution is accompanied  
16                   by the amount of net income attributable  
17                   to such excess contribution.

18           Any net income described in clause (ii) shall be  
19           included in the gross income of the individual  
20           for the taxable year in which it is received.

21           “(B) EXCESS CONTRIBUTION.—For pur-  
22           poses of subparagraph (A), the term ‘excess  
23           contribution’ means any contribution (other  
24           than a rollover contribution described in para-  
25           graph (5) or section 220(f)(5)) which is neither

1           excludable from gross income under section  
2           106(d) nor deductible under this section.

3           “(4) ADDITIONAL TAX ON DISTRIBUTIONS NOT  
4           USED FOR QUALIFIED MEDICAL EXPENSES.—

5                   “(A) IN GENERAL.—The tax imposed by  
6           this chapter on the account beneficiary for any  
7           taxable year in which there is a payment or dis-  
8           tribution from a small business health account  
9           of such beneficiary which is includible in gross  
10          income under paragraph (2) shall be increased  
11          by 20 percent of the amount which is so includ-  
12          ible.

13                   “(B) EXCEPTION FOR DISABILITY OR  
14          DEATH.—Subparagraph (A) shall not apply if  
15          the payment or distribution is made after the  
16          account beneficiary becomes disabled within the  
17          meaning of section 72(m)(7) or dies.

18                   “(C) EXCEPTIONS FOR DISTRIBUTIONS  
19          AFTER MEDICARE ELIGIBILITY.—Subparagraph  
20          (A) shall not apply to any payment or distribu-  
21          tion after the date on which the account bene-  
22          ficiary attains the age specified in section 1811  
23          of the Social Security Act.

24           “(5) ROLLOVER CONTRIBUTION.—

1           “(A) IN GENERAL.—An amount is de-  
2           scribed in this paragraph as a rollover contribu-  
3           tion if it meets the requirements of subpara-  
4           graph (B).

5           “(B) ROLLOVER CONTRIBUTION RULES.—

6           “(i) IN GENERAL.—Paragraph (2)  
7           shall not apply to any amount paid or dis-  
8           tributed from—

9           “(I) a health savings account (as  
10           described in section 223(d)) to the ac-  
11           count beneficiary to the extent the  
12           amount received is paid into a small  
13           business health account, or

14           “(II) a small business health ac-  
15           count to the account beneficiary to the  
16           extent the amount received is paid  
17           into a small business health account  
18           or a health savings account,

19           for the benefit of such beneficiary not later  
20           than the sixtieth day after the day on  
21           which the beneficiary receives the payment  
22           or distribution.

23           “(ii) LIMITATION.—This paragraph  
24           shall not apply to any amount described in  
25           subparagraph (A) received by an individual

1 from a health savings account or a small  
2 business health account if, at any time  
3 during the 1-year period ending on the day  
4 of such receipt, such individual received  
5 any other amount described in subpara-  
6 graph (A) from a health savings account or  
7 a small business account which was not in-  
8 cludible in the individual's gross income  
9 because of the application of this para-  
10 graph.

11 “(6) ADDITIONAL RULES.—Rules similar to the  
12 rules described in paragraphs (6) through (8) of sec-  
13 tion 223(e) shall apply for purposes of this section.

14 “(g) COST-OF-LIVING ADJUSTMENT.—

15 “(1) IN GENERAL.—In the case of any taxable  
16 year beginning after 2019, each dollar amount in  
17 subsection (b)(2) shall be increased by an amount  
18 equal to—

19 “(A) such dollar amount, multiplied by

20 “(B) the cost-of-living adjustment deter-  
21 mined under section 1(f)(3) for the calendar  
22 year in which such taxable year begins deter-  
23 mined by substituting ‘calendar year 2018’ for  
24 ‘calendar year 2016’ in subparagraph (A)(ii)  
25 thereof.

1           “(2) ROUNDING.—If any increase under para-  
2 graph (1) is not a multiple of \$50, such increase  
3 shall be rounded to the nearest multiple of \$50.

4           “(h) REPORTS.—

5           “(1) IN GENERAL.—The Secretary may require  
6 the trustee of a small business health account to  
7 make such reports regarding such account to the  
8 Secretary and to the account beneficiary with re-  
9 spect to contributions, distributions, the return of  
10 excess contributions, and such other matters as the  
11 Secretary determines appropriate.

12           “(2) TIME AND MANNER.—The reports required  
13 by this subsection shall be filed at such time and in  
14 such manner and furnished to such individuals at  
15 such time and in such manner as may be required  
16 by the Secretary.”.

17           (b) CONFORMING AMENDMENTS.—

18           (1) Paragraph (2) of section 26(b) of the Inter-  
19 nal Revenue Code of 1986 is amended—

20           (A) in subparagraph (S), by inserting  
21 “224(b)(8)(i)(II),” after “223(b)(8)(i)(II),”;  
22 and

23           (B) by striking subparagraph (U) and in-  
24 serting the following:



1           “(U) sections 223(f)(4) and 224(f)(4) (re-  
2 relating to additional tax on health savings ac-  
3 count distributions and small business health ac-  
4 count distributions not used for qualified med-  
5 ical expenses),”.

6           (2) Paragraph (3) of section 35(g) of such Code  
7 is amended by striking “or from a health savings ac-  
8 count (as defined in section 223(d))” and inserting  
9 “, a health savings account (as defined in section  
10 223(d)), or a small business health account (as de-  
11 fined in section 224(d))”.

12           (3) Paragraph (19) of section 62(a) of such  
13 Code is amended to read as follows:

14           “(19) HEALTH SAVINGS ACCOUNTS AND SMALL  
15 BUSINESS HEALTH ACCOUNTS.—The deductions al-  
16 lowed by sections 223 and 224.”.

17           (4) Subsection (d) of section 106 of such Code  
18 of 1986 is amended—

19           (A) in the heading, by inserting “AND  
20 SMALL BUSINESS HEALTH ACCOUNTS”;

21           (B) in paragraph (1), by striking “IN GEN-  
22 ERAL” in the heading and inserting “HEALTH  
23 SAVINGS ACCOUNTS”;

24           (C) by redesignating paragraphs (2) and  
25 (3) as paragraphs (3) and (4), respectively; and

1 (D) by inserting after paragraph (1) the  
2 following new paragraph:

3 “(2) SMALL BUSINESS HEALTH ACCOUNTS.—In  
4 the case of an employee who is an eligible individual  
5 (as defined in section 224(c)(2)), amounts contrib-  
6 uted by such employee’s employer to any small busi-  
7 ness health account (as defined in section 224(d)) of  
8 such employee shall be treated as employer-provided  
9 coverage for medical expenses under an accident or  
10 health plan to the extent such amounts do not ex-  
11 ceed the limitation under section 224(b) (determined  
12 without regard to this subsection) which is applica-  
13 ble to such employee for such taxable year.”.

14 (5) Subparagraph (A) of section 220(f)(5) of  
15 such Code is amended by striking “or a health sav-  
16 ings account (as defined in section 223(d))” and in-  
17 serting “, a health savings account (as defined in  
18 section 223(d)), or a small business health account  
19 (as defined in section 224(d))”.

20 (6) Subsection (d) of section 408 of such Code  
21 is amended by adding at the end the following new  
22 paragraph:

23 “(10) DISTRIBUTION FOR SMALL BUSINESS  
24 HEALTH ACCOUNT FUNDING.—

1           “(A) IN GENERAL.—In the case of an indi-  
2           vidual who is an eligible individual (as defined  
3           in section 224(c)(2)) and who elects the appli-  
4           cation of this paragraph for a taxable year,  
5           gross income of the individual for the taxable  
6           year does not include a qualified SBHA funding  
7           distribution to the extent such distribution is  
8           otherwise includible in gross income.

9           “(B) QUALIFIED SBHA FUNDING DIS-  
10          TRIBUTION.—For purposes of this paragraph,  
11          the term ‘qualified SBHA funding distribution’  
12          means a distribution from an individual retire-  
13          ment plan (other than a plan described in sub-  
14          section (k) or (p)) of the employee to the extent  
15          that such distribution is contributed to the  
16          small business health account of the individual  
17          in a direct trustee-to-trustee transfer.

18          “(C) LIMITATIONS.—

19                 “(i) MAXIMUM DOLLAR LIMITA-  
20                 TION.—The amount excluded from gross  
21                 income by subparagraph (A) shall not ex-  
22                 ceed the applicable annual limitation under  
23                 section 224(b) at the time of the qualified  
24                 SBHA funding distribution.

1           “(ii) ONE-TIME TRANSFER.—An indi-  
2           vidual may make an election under sub-  
3           paragraph (A) only for one qualified  
4           SBHA funding distribution during the life-  
5           time of the individual. Such an election,  
6           once made, shall be irrevocable.

7           “(D) FAILURE TO MAINTAIN ELIGI-  
8           BILITY.—

9           “(i) IN GENERAL.—If, at any time  
10          during the testing period, the individual is  
11          not an eligible individual, then the aggre-  
12          gate amount of all contributions to the  
13          small business health account of the indi-  
14          vidual made under subparagraph (A)—

15                 “(I) shall be includible in the  
16                 gross income of the individual for the  
17                 taxable year in which occurs the first  
18                 month in the testing period for which  
19                 such individual is not an eligible indi-  
20                 vidual, and

21                 “(II) the tax imposed by this  
22                 chapter for any taxable year on the  
23                 individual shall be increased by 10  
24                 percent of the amount which is so in-  
25                 cludible.

1                   “(ii) EXCEPTION FOR DISABILITY OR  
2                   DEATH.—Subclauses (I) and (II) of clause  
3                   (i) shall not apply if the individual ceased  
4                   to be an eligible individual by reason of the  
5                   death of the individual or the individual  
6                   becoming disabled (within the meaning of  
7                   section 72(m)(7)).

8                   “(iii) TESTING PERIOD.—The term  
9                   ‘testing period’ means the period beginning  
10                  with the month in which the qualified  
11                  SBHA funding distribution is contributed  
12                  to a small business health account and  
13                  ending on the last day of the twelfth  
14                  month following such month.

15                  “(E) APPLICATION OF SECTION 72.—Not-  
16                  withstanding section 72, in determining the ex-  
17                  tent to which an amount is treated as otherwise  
18                  includible in gross income for purposes of sub-  
19                  paragraph (A), the aggregate amount distrib-  
20                  uted from an individual retirement plan shall be  
21                  treated as includible in gross income to the ex-  
22                  tent that such amount does not exceed the ag-  
23                  gregate amount which would have been so in-  
24                  cludible if all amounts from all individual retire-  
25                  ment plans were distributed. Proper adjust-

1           ments shall be made in applying section 72 to  
2           other distributions in such taxable year and  
3           subsequent taxable years.”.

4           (7) Subparagraph (B) of section 848(e)(1) of  
5           such Code is amended—

6                   (A) in clause (iv), by striking “and” at the  
7           end;

8                   (B) in clause (v), by striking the period at  
9           the end and inserting “, and”; and

10                  (C) by adding at the end the following new  
11           clause:

12                           “(vi) any contract which is a small  
13           business health account (as defined in sec-  
14           tion 224(d)).”.

15           (8) Paragraph (2) of section 877A(e) of such  
16           Code is amended by inserting “a small business  
17           health account (as defined in section 224),” after “a  
18           health savings account (as defined in section 223)”.

19           (9) Subsection (a) of section 4973 of such Code  
20           is amended—

21                   (A) in paragraph (5), by striking “or” at  
22           the end;

23                   (B) by redesignating paragraph (6) as  
24           paragraph (7); and

1 (C) by inserting after paragraph (5) the  
2 following new paragraph:

3 “(6) a small business health account (within the  
4 meaning of section 224(d)), or”.

5 (10) Section 4975 of such Code is amended—

6 (A) in subsection (c), by adding at the end  
7 the following new paragraph:

8 “(7) SPECIAL RULE FOR SMALL BUSINESS  
9 HEALTH ACCOUNTS.—An individual for whose ben-  
10 efit a small business health account (within the  
11 meaning of section 224(d)) is established shall be ex-  
12 empt from the tax imposed by this section with re-  
13 spect to any transaction concerning such account  
14 (which would otherwise be taxable under this sec-  
15 tion) if, with respect to such transaction, the ac-  
16 count ceases to be a small business health account  
17 by reason of the application of section 224(e) to  
18 such account.”; and

19 (B) in paragraph (1) of subsection (e)—

20 (i) by redesignating subparagraphs  
21 (F) and (G) as subparagraphs (G) and  
22 (H), respectively; and

23 (ii) by inserting after subparagraph  
24 (E) the following new subparagraph:

1           “(F) a small business health account de-  
2           scribed in section 224(d),”.

3           (11) Subsection (a) of section 6051 of such  
4           Code is amended—

5                 (A) by redesignating paragraphs (13)  
6                 through (17) as paragraphs (14) through (18),  
7                 respectively; and

8                 (B) by inserting after paragraph (12) the  
9                 following new paragraph:

10                 “(13) the amount contributed to any small  
11                 business health account (as defined in section  
12                 224(d)) of such employee or such employee’s  
13                 spouse,”.

14           (12) Paragraph (2) of section 6693(a) of such  
15           Code is amended—

16                 (A) by redesignating subparagraphs (D)  
17                 through (F) as subparagraphs (E) through (G),  
18                 respectively; and

19                 (B) by inserting after subparagraph (C)  
20                 the following new subparagraph:

21                 “(D) section 224(h) (relative to small busi-  
22                 ness health accounts),”.

23           (13) The table of sections for part VII of sub-  
24           chapter B of chapter 1 of such Code is amended by  
25           redesignating the item relating to section 224 as re-



1       lating to section 225 and by inserting after the item  
2       relating to section 223 the following new item:

“Sec. 224. Small Business Health Accounts.”.

3       (c) **EFFECTIVE DATE.**—The amendments made by  
4 this section shall apply to taxable years beginning after  
5 December 31, 2018.

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