

111TH CONGRESS
1ST SESSION

H. R. 2105

To amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2009

Mr. KIND (for himself, Mr. BRADY of Texas, Mr. BLUMENAUER, and Mr. WAMP) 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 treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

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 “Personal Health In-
5 vestment Today Act of 2009” or the “PHIT Act of 2009”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) almost 20 percent of American children be-
2 tween the ages of 2 and 19 are overweight or suffer
3 from obesity;

4 (2) 8 of the 9 most expensive illnesses in the
5 United States are more common among overweight
6 and obese individuals;

7 (3) according to the Centers for Disease Con-
8 trol and Prevention, the increase in the number of
9 overweight and obese Americans between 1987 and
10 2001 resulted in a 27 percent increase in per capita
11 health care costs;

12 (4) the World Health Organization determined
13 that in the United States a \$1 investment in phys-
14 ical activity alone (in time and equipment) would re-
15 duce medical expenses by \$3.20;

16 (5) research indicates that 2 in 5 Americans
17 would become more physically active if offered a fi-
18 nancial incentive;

19 (6) the United States ranks last in the world in
20 reducing the number of preventable deaths resulting
21 from obesity-related chronic illnesses; and

22 (7) engaging in physical activities at young ages
23 when children are learning lifelong behaviors can
24 have a significant impact on their long-term health.

1 (b) PURPOSE.—The purpose of this Act is to promote
 2 health and prevent disease, particularly diseases related
 3 to being overweight and obese, by—

4 (1) encouraging healthier lifestyles;

5 (2) providing financial incentives to ease the fi-
 6 nancial burden of engaging in healthy behavior; and

7 (3) increasing the ability of individuals and
 8 families to participate in physical fitness activities.

9 **SEC. 3. CERTAIN AMOUNTS PAID FOR PHYSICAL ACTIVITY,**
 10 **FITNESS, AND EXERCISE TREATED AS**
 11 **AMOUNTS PAID FOR MEDICAL CARE.**

12 (a) IN GENERAL.—Paragraph (1) of section 213(d)
 13 of the Internal Revenue Code of 1986 is amended by strik-
 14 ing “or” at the end of subparagraph (C), by striking the
 15 period at the end of subparagraph (D) and inserting
 16 “, or”, and by adding at the end the following new sub-
 17 paragraph:

18 “(E) for qualified sports and fitness ex-
 19 penses.”.

20 (b) QUALIFIED SPORTS AND FITNESS EXPENSES.—
 21 Subsection (d) of section 213 of such Code is amended
 22 by adding at the end the following paragraph:

23 “(12) QUALIFIED SPORTS AND FITNESS EX-
 24 PENSES.—

1 “(A) IN GENERAL.—The term ‘qualified
2 sports and fitness expenses’ means amounts
3 paid—

4 “(i) for membership at a fitness cen-
5 ter,

6 “(ii) for participation or instruction in
7 a program of physical exercise or physical
8 activity, and

9 “(iii) for equipment for use in a pro-
10 gram (including a self-directed program) of
11 physical exercise or physical activity.

12 “(B) OVERALL DOLLAR LIMITATION.—The
13 aggregate amount treated as qualified sports
14 and fitness expenses with respect to any tax-
15 payer for any taxable year shall not exceed
16 \$1,000 (\$2,000 in the case of a joint return or
17 a head of household (as defined in section
18 2(b))).

19 “(C) FITNESS FACILITY DEFINED.—For
20 purposes of subparagraph (A)(i), the term ‘fit-
21 ness facility’ means a facility—

22 “(i) providing instruction in a pro-
23 gram of physical exercise, offering facilities
24 for the preservation, maintenance, encour-
25 agement, or development of physical fit-

1 ness, or serving as the site of such a pro-
2 gram of a State or local government,

3 “(ii) which is not a private club owned
4 and operated by its members,

5 “(iii) which does not offer golf, hunt-
6 ing, sailing, or riding facilities,

7 “(iv) whose health or fitness facility is
8 not incidental to its overall function and
9 purpose, and

10 “(v) which is fully compliant with the
11 State of jurisdiction and Federal anti-dis-
12 crimination laws.

13 “(D) LIMITATIONS RELATED TO SPORTS
14 AND FITNESS EQUIPMENT.—Amounts paid for
15 equipment described in subparagraph (A)(iii)
16 shall be treated as a qualified sports and fitness
17 expense only—

18 “(i) if such equipment is utilized ex-
19 clusively for participation in fitness, exer-
20 cise, sport, or other physical activity pro-
21 grams,

22 “(ii) if such equipment is not apparel
23 or footwear, and

24 “(iii) in the case of any item of sports
25 equipment (other than exercise equip-

1 ment), with respect to so much of the
2 amount paid for such item as does not ex-
3 ceed \$250.

4 “(E) PROGRAMS WHICH INCLUDE COMPO-
5 NENTS OTHER THAN PHYSICAL EXERCISE AND
6 PHYSICAL ACTIVITY.—Rules similar to the rules
7 of section 213(d)(6) shall apply in the case of
8 any program that includes physical exercise or
9 physical activity and also other components.
10 For purposes of the preceding sentence, travel
11 and accommodations shall be treated as an
12 other component.”.

13 (c) EXCEPTION FOR HEALTH SAVINGS ACCOUNTS.—
14 Subparagraph (A) of section 223(d)(2) of such Code is
15 amended by inserting “, determined without regard to
16 paragraph (1)(E) thereof” after “section 213(d)”.

17 (d) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to taxable years beginning after
19 the date of the enactment of this Act.

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