

119TH CONGRESS
1ST SESSION

H. R. 3091

To amend the Internal Revenue Code of 1986 to treat amounts paid for fertility treatments as medical expenses for purposes of health savings accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2025

Ms. UNDERWOOD 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 amounts paid for fertility treatments as medical expenses for purposes of health savings accounts, and for other purposes.

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 “Health Savings and
5 Affordability for Fertility Act” or the “HSA for Fertility
6 Act”.

1 **SEC. 2. FERTILITY TREATMENTS TREATED AS MEDICAL EX-**
2 **PENSES FOR PURPOSES OF HEALTH SAVINGS**
3 **ACCOUNT.**

4 (a) IN GENERAL.—Section 223(d)(2) of the Internal
5 Revenue Code of 1986 is amended—

6 (1) in subparagraph (A), by inserting “and fer-
7 tility treatments” after “products”, and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(E) FERTILITY TREATMENT.—For the
11 purposes of this paragraph, the term ‘fertility
12 treatment’ includes the following:

13 “(i) Preservation (including long-term
14 storage) of human oocytes, sperm, or em-
15 bryos for later reproductive use.

16 “(ii) Artificial insemination, including
17 intravaginal insemination, intracervical in-
18 semination, and intrauterine insemination.

19 “(iii) Assisted reproductive tech-
20 nology, including in vitro fertilization and
21 other treatments or procedures in which
22 reproductive genetic material, such as oo-
23 cytes, sperm, fertilized eggs, and embryos,
24 are handled, when clinically appropriate.

25 “(iv) Medications prescribed as indi-
26 cated for fertility.

1 “(v) Gamete donation, including reim-
2 bursement for an individual who agrees to
3 provide such material to an eligible indi-
4 vidual under a gamete donor agreement as
5 well as medical expenses associated with
6 procuring such material from the donor.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to amounts paid or incurred after
9 the date of the enactment of this Act.

10 (c) NO INFERENCE.—Nothing contained in this sec-
11 tion, or the amendments made thereby, shall be construed
12 to—

13 (1) create any inference with respect to any
14 amounts paid on or before such date, or

15 (2) limit the continued treatment after such
16 date of any fertility-related expense not described in
17 subsection (d)(2)(E) of section 223 of the Internal
18 Revenue Code of 1986 (as added by this Act) as a
19 medical expense for purposes of such section.

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