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BENEFIT STRATEGIES, LLC

February 24, 2011

Breast Pumps and Lactation Supplies now Qualify as Eligible Expenses

The IRS has concluded that breast pumps and supplies that assist lactation will qualify as medical care expenses under Code Section 213(d) because they are for the purpose of affecting a structure or function of the lactating woman's body. Consequently, these items will qualify for tax-free reimbursement from a health FSA or HRA, or for a tax-free distribution from an HSA. The Announcement indicates that the IRS will revise Publication 502 (Medical and Dental Expenses) to include this new information.

Benefit Strategies is taking a close note of this new guidance, as it is a change from previous statements by IRS and Treasury officials about breast pumps and related equipment. In the past, plans may have treated breast pumps as dual-purpose expenses that could only be reimbursed if the participant provided a note from a medical practitioner recommending the breast pump to treat a specific medical condition (e.g. a breast abscess), or as expenses that could not be reimbursed at all. The new guidance allows these items to be reimbursed, regardless of the existence of a medical condition.

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