

## **IRS Announces:**

### **Breast Pumps/Lactation Supplies Qualify as Medical Care Expenses**

Available at <http://www.irs.gov/pub/irs-drop/a-11-14.pdf>

Lactation Expenses as Medical Expenses  
Announcement 2011-14

The Internal Revenue Service has concluded that breast pumps and supplies that assist lactation are medical care under § 213(d) of the Internal Revenue Code because, like obstetric care, they are for the purpose of affecting a structure or function of the body of the lactating woman. Therefore, if the remaining requirements of § 213(a) are met (for example, the taxpayer's total medical expenses exceed 7.5 percent of adjusted gross income), expenses paid for breast pumps and supplies that assist lactation are deductible medical expenses. Amounts reimbursed for these expenses under flexible spending arrangements, Archer medical savings accounts, health reimbursement arrangements, or health savings accounts are not income to the taxpayer.

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.

Health FSA and HRA administrators will want to take note of this new guidance, which 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.