

[DISCUSSION DRAFT]

DECEMBER 16, 2024

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Internal Revenue Code of 1986 to allow contributions to an individual contractor’s health savings account to be excluded from gross income in the same manner as an employee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CAREY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to allow contributions to an individual contractor’s health savings account to be excluded from gross income in the same manner as an employee, 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 “Gig-Worker Health
5 Savings Account Contribution Amendments Act”.

1 **SEC. 2. ELECTION TO PROVIDE CONTRIBUTIONS TO**
2 **HEALTH CARE SAVINGS ACCOUNT OF INDE-**
3 **PENDENT CONTRACTOR.**

4 (a) IN GENERAL.—Section 106(d) of the Internal
5 Revenue Code of 1986 is amended by redesignating para-
6 graph (3) as paragraph (4) and by inserting after para-
7 graph (2) the following new paragraph:

8 “(3) CONTRIBUTIONS TO INDEPENDENT CON-
9 TRACTORS.—Solely for purposes of this subsection,
10 in the case of a person—

11 “(A) to whom services are provided by an
12 individual with respect to whom there is no em-
13 ployee-employer relationship, and

14 “(B) who elects the application of this
15 paragraph,
16 paragraphs (1) and (2) shall apply as if there was
17 such a relationship, and such person shall be treated
18 as the employer (and such individual as the em-
19 ployee).”.

20 (b) NO INFERENCE.—No inference may be drawn
21 from any contribution made by a person on behalf of an
22 individual pursuant to an election under paragraph (3) of
23 section 106(d) of such Code in determining the existence
24 or extent of any employee-employer relationship with re-
25 spect to such person other than for purposes of applying
26 paragraphs (1) and (2) of such section.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to amounts contributed after the
3 date of the enactment of this Act.

4 **SEC. 3. CLARIFICATION OF HOSPITAL INDEMNITY INSUR-**
5 **ANCE AS PERMITTED INSURANCE IN CASE OF**
6 **HEALTH SAVINGS ACCOUNTS.**

7 Section 223(c)(3)(C) of the Internal Revenue Code
8 of 1986 is amended to read as follows:

9 “(C) hospital indemnity or other fixed in-
10 demnity insurance coverage.”.