

Rep. Genetski offered the following resolution:

House Resolution No. 25.

A resolution to memorialize Congress to amend the Patient Protection and Affordable Care Act to reinstate the use of tax-favored health plans to cover the costs of purchasing over-the-counter pharmaceuticals.

Whereas, Several tax-advantaged health plans are well-established means for consumers to control and manage their out-of-pocket health care expenses. The federal tax code allows individuals or their employers to make pre-tax contributions to various savings plans to reduce their federal income tax burden and make more money available for families to cover out-of-pocket medical expenses. Whether the savings plan is a health savings account coupled with a high-deductible health plan or a flexible spending arrangement or medical savings account offered by an employer, consumers use these plans to manage household spending; and

Whereas, Restrictions on these accounts that took effect on January 1, 2011, and others that take effect in 2013 are some of the hidden costs of Obamacare. Under the Patient Protection and Affordable Care Act, individuals with tax-favored health plans cannot use the plans to cover the costs of purchasing over-the-counter pharmaceuticals effective January 1, 2011, unless their physician writes a prescription for the over-the-counter pharmaceutical. In recent years, many widely used, formerly prescription-only pharmaceuticals have been switched by the U.S. Food and Drug Administration to over-the-counter pharmaceuticals to make them available at lower cost. These pharmaceuticals are used regularly by many Americans to manage allergies, stomach disorders, and many other ailments. People who suffer from chronic illnesses often use over-the-counter pharmaceuticals to manage their pain and other symptoms of their illness. Now consumers will have to add the cost of a doctor visit to their health care bill to get a prescription to replenish their supply of over-the-counter pharmaceuticals that are effective in treating their symptoms and illnesses; and

Whereas, Effective in 2013, Obamacare will further restrict the benefits of these plans to middle class Americans by limiting the amount of money individuals and families can contribute to these tax-favored plans to \$2,500 per year. The rationale is clear, the federal government needs to collect more revenue to pay for the cost of Obamacare. The restrictions on reimbursements for over-the-counter pharmaceuticals and the limit on annual contributions are essentially a federal tax increase for the middle class. This tax increase is just one example of the hidden costs to the taxpayer of Obamacare; and

Whereas, These restrictions on reimbursements for over-the-counter pharmaceutical purchases and the overall contribution cap will reduce consumer spending and impact business expansion and job growth in the pharmaceutical industry. For example, Michigan is home to the Perrigo Company, the world's largest manufacturer of over-the-counter pharmaceuticals for the store-brand market. Perrigo Company has a long history of pioneering entrepreneurial spirit, creating the concept of a private-label putting store names on the products they stocked in the 1920s. They continue this spirit today, growing their global business, while keeping thousands of jobs at home with plans to add hundreds more in the next 5 years. In the current economic climate, government should not act in a way that restricts consumer spending and threatens job growth; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to amend the Patient Protection and Affordable Care Act to reinstate the use of tax-favored health plans to cover the costs of purchasing over-the-counter pharmaceuticals; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.