

August 27, 2025

The Honorable Scott Bessent
Treasury Secretary and Acting Commissioner
Internal Revenue Service
1111 Constitution Ave. NW
Washington, DC 20224

Dear Secretary Bessent:

On behalf of the Council for Responsible Nutrition (CRN),¹ I write to respectfully encourage you to revise Internal Revenue Service (IRS) [Publication 502](#) to classify dietary supplements as “qualified medical expenses” under the Internal Revenue Code (IRC). Doing so would allow millions of Americans to utilize their Health Savings Accounts (HSAs) and Flexible Spending Accounts (FSAs) to make personal healthcare choices that promote a preventive mindset and work best for their needs. I would also request a meeting with you and your team at your first convenience to further discuss this proposal.

By way of background, CRN is the leading trade association representing manufacturers and ingredient suppliers for the dietary supplement industry. Our member companies are responsible for manufacturing, supplying, and marketing safe and regulated products that are used by 75 percent of American consumers to promote their health and wellness. Further, the dietary supplement industry is critical to the economy of the United States, accounting for nearly \$159 billion in total economic impact annually and responsible for over 616,000 American jobs throughout the country. For example, our industry also generates over \$9 billion annually in state taxes—money that helps build and supply schools, police and fire departments, roadways, and other projects—and \$10.7 billion in federal taxes.²

In coordination with other stakeholders in the healthcare field, CRN has long advocated for the inclusion of dietary supplements in HSAs and FSAs. Currently, account holders can utilize their pretax contributions for a wide array of medical expenses, including physicians’ visits,

¹ The Council for Responsible Nutrition (CRN), founded in 1973, is a Washington, D.C.-based trade association representing 150+ dietary supplement and functional food manufacturers, ingredient suppliers, and companies providing services to those manufacturers and suppliers. In addition to complying with a host of federal and state regulations governing dietary supplements and food in the areas of manufacturing, marketing, quality control and safety, our manufacturer and supplier members also agree to adhere to additional voluntary guidelines as well as to CRN’s Code of Ethics. See www.crnusa.org.

² CRN Report: Dietary Supplement Companies Pump More Than \$158 Billion into U.S. Economy, Up 23% from 2016, <https://www.crnusa.org/newsroom/crn-report-dietary-supplement-companies-pump-more-158-billion-us-economy-23-2016>.

prescription drug co-pays, over-the-counter medicines, and eyeglasses. Unfortunately, outdated IRS guidance prevents consumers from using these tax-exempt accounts to purchase dietary supplement products. The IRS statute itself does not exclude dietary supplements from the definition of a qualified medical expense;³ however, IRS Publication 502, as revised for tax year 2000 and forward, specifically removed “nutritional supplements, vitamins, herbal supplements, ‘natural medicines,’ etc.,” unless they are recommended by a medical practitioner as treatment for a specific medical condition diagnosed by a physician.⁴ This exclusion persists despite evidence outlined in the 2022 CRN Foundation Report “[Supplements to Savings](#)” that dietary supplement use reduces risks associated with various chronic diseases and conditions, including coronary artery disease, osteoporotic fractures, cognitive decline, macular degeneration, early childhood development disorders (as a result of inadequate maternal choline intake), and irritable bowel syndrome.⁵ Their use not only improves health and reduces the risk of disease, but they also can reduce healthcare spending for subsequent treatment of these diseases.

Rectifying this issue aligns with the President’s *Make America Healthy Again* (MAHA) agenda, both by promoting consumer choice and increasing access to products that are scientifically proven to enhance Americans’ health. Such a change does not require congressional action; the IRS can enable HSA and FSA reimbursements for dietary supplements without legislation. As such, we ask that the IRS revise Publication 502 by removing the section on *Nutritional Supplements* from the section of the booklet “What Expenses Aren’t Includible?” and adding the following paragraph to the section “What Medical Expenses Are Includible?”:

“You can include in medical expenses the cost of dietary supplements, provided that such products meet the definition of a dietary supplement as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. 321\(ff\)](#)) and are labeled with Supplement Facts labels that are compliant with federal regulations for these products.”

This revision would support MAHA’s objectives, specifically Section 2(d) of the President’s February 13 Executive Order establishing as the policy of the federal government that: *“agencies shall ensure the availability of expanded treatment options and the flexibility for health insurance coverage to **provide benefits that support beneficial lifestyle changes and disease prevention.**”*

I further request an opportunity to meet with you and your staff to further discuss this policy proposal. I would enjoy the chance to present some of the compelling data for the

³ 26 U.S.C. § 223(d)(2).

⁴ IRS Publication 502 Publication 502 (2024), Medical and Dental Expenses, <https://www.irs.gov/publications/p502>.

⁵ Supplements to Savings, <https://www.crnusa.org/sites/default/files/HCCS/00-CRN-Supplements-to-Savings-2022-FullReport.pdf>.

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financial benefits of recognizing dietary supplements as medical expenses and demonstrating the economics behind our proposal showing that this change would have little effect on tax avoidance. While millions of taxpayers use these accounts to stretch their healthcare dollars, their contribution decisions are driven by factors beyond what products are included.

Thank you for your attention to this matter. We would welcome the opportunity to meet with you and your staff to discuss these efforts in greater detail and answer any questions you may have about dietary supplements.

Most sincerely,

A handwritten signature in blue ink that reads "Steve Mister". The signature is written in a cursive, flowing style.

Steve Mister
President & CEO