

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6312
OFFERED BY MR. BRADY OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Personal Health In-
3 vestment Today Act” or the “PHIT Act.”

**4 SEC. 2. CERTAIN AMOUNTS PAID FOR PHYSICAL ACTIVITY,
5 FITNESS, AND EXERCISE TREATED AS
6 AMOUNTS PAID FOR MEDICAL CARE.**

7 (a) IN GENERAL.—Section 213(d)(1) of the Internal
8 Revenue Code of 1986 is amended by striking “or” at the
9 end of subparagraph (C), by striking the period at the end
10 of subparagraph (D) and inserting “, or”, and by adding
11 at the end the following new subparagraph:

12 “(E) for qualified sports and fitness ex-
13 penses.”.

14 (b) QUALIFIED SPORTS AND FITNESS EXPENSES.—
15 Section 213(d) of such Code is amended by adding at the
16 end the following paragraph:

17 “(12) QUALIFIED SPORTS AND FITNESS EX-
18 PENSES.—

1 “(A) IN GENERAL.—The term ‘qualified
2 sports and fitness expenses’ means amounts
3 paid for—

4 “(i) membership at a fitness facility,

5 “(ii) participation or instruction in a
6 program of physical exercise or physical
7 activity, or

8 “(iii) safety equipment for use in a
9 program (including a self-directed pro-
10 gram) of physical exercise or physical ac-
11 tivity.

12 “(B) DOLLAR LIMITATIONS.—

13 “(i) OVERALL LIMITATION.—The ag-
14 gregate amount treated as qualified sports
15 and fitness expenses with respect to any
16 taxpayer for any taxable year shall not ex-
17 ceed \$500 (twice such amount in the case
18 of a joint return or a head of household
19 (as defined in section 2(b))).

20 “(ii) SAFETY EQUIPMENT.—The
21 amount treated as qualified sports and fit-
22 ness expenses with respect to any item of
23 safety equipment described in subpara-
24 graph (A)(iii) shall not exceed \$250.

25 “(C) CERTAIN EXCLUSIONS.—

1 “(i) IN GENERAL.—Golf, hunting,
2 sailing, and horseback riding shall not be
3 treated as a physical exercise or physical
4 activity.

5 “(ii) EXERCISE VIDEOS, ETC.—Quali-
6 fied sports and fitness expenses shall not
7 include videos, books, or similar materials.

8 “(D) FITNESS FACILITY DEFINED.—For
9 purposes of subparagraph (A)(i), the term ‘fit-
10 ness facility’ means a facility—

11 “(i) providing instruction in a pro-
12 gram of physical exercise or physical activ-
13 ity, offering facilities for the preservation,
14 maintenance, encouragement, or develop-
15 ment of physical fitness, or serving as the
16 site of such a program of a State or local
17 government,

18 “(ii) which is not a private club owned
19 and operated by its members,

20 “(iii) which does not offer facilities for
21 any activity described in subparagraph
22 (C)(i),

23 “(iv) whose health or fitness facility is
24 not incidental to its overall function and
25 purpose, and

1 “(v) which is fully compliant with ap-
2 plicable State and Federal anti-discrimina-
3 tion laws.

4 “(E) PROGRAMS WHICH INCLUDE COMPO-
5 NENTS OTHER THAN PHYSICAL EXERCISE AND
6 PHYSICAL ACTIVITY.—Rules similar to the rules
7 of paragraph (6) shall apply in the case of any
8 program that includes physical exercise or phys-
9 ical activity and also other components. For
10 purposes of the preceding sentence, travel and
11 accommodations shall be treated as an other
12 component.

13 “(F) INFLATION ADJUSTMENT.—In the
14 case of any taxable year beginning in a calendar
15 year after 2019, the \$500 amount in subpara-
16 graph (B)(i) and the \$250 amount in subpara-
17 graph (B)(ii) shall each be increased by an
18 amount equal to—

19 “(i) such dollar amount, multiplied by

20 “(ii) the cost-of-living adjustment de-
21 termined under section 1(f)(3) for the cal-
22 endar year in which such taxable year be-
23 gins, determined by substituting ‘calendar
24 year 2018’ for ‘calendar year 2016’ in sub-
25 paragraph (A)(ii) thereof.

1 If any increase determined under the preceding
2 sentence is not a multiple of \$10, such increase
3 shall be rounded to the next lowest multiple of
4 \$10.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to taxable years beginning after
7 December 31, 2018.

