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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Assembly Bill 364**

**Assembly  
Amendment 1**

### 2023 ASSEMBLY BILL 364

2023 Assembly Bill 364 (AB 364) adopts certain Internal Revenue Code (IRC) provisions relating to high-deductible health plans (HDHPs) to conform to changes under the Consolidated Appropriations Act of 2022 (CAA22) and Consolidated Appropriations Act of 2023 (CAA23). Specifically, AB 364 authorizes a deduction from income for state tax purposes for contributions to a health savings account (HSA) if the individual is covered by an HDHP even if the plan does not provide a deductible for telehealth services, for taxable years beginning after 2021.

### ASSEMBLY AMENDMENT 1

Similar to the bill, as introduced, Assembly Amendment 1 (AA1) to AB 364 adopts IRC provisions relating to HDHPs to conform to changes under CAA22 and CAA23 authorizing a deduction from income for state tax purposes for contributions to an HSA if the individual is covered by an HDHP even if it does not provide a deductible for telehealth services, for taxable years beginning after 2021.

However, AA1 to AB 364 is organized and drafted differently, as compared to the bill as introduced, based on feedback from the State Department of Revenue. The amendment would federalize definitions and special rules relating to HDHPs on an on-going basis.

### BILL HISTORY

On July 27, 2023, Representative Nedweski introduced AB 364, and on August 4, 2023, Representative Nedweski offered AA1. On October 10, 2023, the Assembly Committee on Ways and Means recommended adoption of AA1 and passage of AB 364, as amended, on votes of Ayes, 12; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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