

**31A-32a-102 Definitions.**

As used in this chapter:

- (1) "Account administrator" means any of the following:
  - (a) a depository institution as defined in Section 7-1-103;
  - (b) a trust company as defined in Section 7-1-103;
  - (c) an insurance company authorized to do business in this state under this title;
  - (d) a third party administrator licensed under Section 31A-25-203; and
  - (e) an employer if the employer has a self-insured health plan under ERISA.
- (2) "Account holder" means the resident individual who establishes a medical care savings account or for whose benefit a medical care savings account is established.
- (3) "Deductible" means the total deductible for an employee and all the dependents of that employee for a calendar year.
- (4) "Dependent" means the same as "dependent" under Section 31A-30-103.
- (5) "Eligible medical expense" means an expense paid by the taxpayer for:
  - (a) medical care described in Section 213(d), Internal Revenue Code;
  - (b) the purchase of a health coverage policy, certificate, or contract, including a qualified higher deductible health plan; or
  - (c) premiums on long-term care insurance policies as defined in Section 31A-1-301.
- (6) "Employee" means the individual for whose benefit or for the benefit of whose dependents a medical care savings account is established. Employee includes a self-employed individual.
- (7) "ERISA" means the Employee Retirement Income Security Act of 1974, Public Law 93-406, 88 Stat. 829.
- (8) "Higher deductible" means a deductible of not less than \$1,000.
- (9) "Medical care savings account" or "account" means a trust account established at a depository institution in this state pursuant to a medical care savings account program to pay the eligible medical expenses of:
  - (a) an employee or account holder; and
  - (b) the dependents of the employee or account holder.
- (10) "Medical care savings account program" or "program" means one of the following programs:
  - (a) a program established by an employer in which the employer:
    - (i) purchases a qualified higher deductible health plan for the benefit of an employee and the employee's dependents; and
    - (ii) contributes on behalf of an employee into a medical care savings account; or
  - (b) a program established by an account holder in which the account holder:
    - (i) purchases a qualified higher deductible health plan for the benefit of the account holder and the account holder's dependents; and
    - (ii) contributes an amount to the medical care savings account.
- (11) "Qualified higher deductible health plan" means a health coverage policy, certificate, or contract that:
  - (a) provides for payments for covered benefits that exceed the higher deductible; and
  - (b) is purchased by:
    - (i) an employer for the benefit of an employee for whom the employer makes deposits into a medical care savings account; or
    - (ii) an account holder.

Amended by Chapter 116, 2001 General Session