

**Repealed 1/1/2017**

**59-10-1021 Nonrefundable medical care savings account tax credit.**

- (1) As used in this section:
  - (a) "Account administrator" is as defined in Section 31A-32a-102.
  - (b) "Account holder" is as defined in Section 31A-32a-102.
  - (c) "Eligible medical expense" is as defined in Section 31A-32a-102.
  - (d) "Eligible spouse claimants" means claimants who are spouses if:
    - (i) the claimants file a single return jointly as husband and wife;
    - (ii) neither spouse is covered by:
      - (A) health care insurance as defined in Section 31A-1-301; or
      - (B) a self-funded plan that covers the other spouse; and
    - (iii) each spouse is an account holder.
  - (e) "Medical care savings account" is as defined in Section 31A-32a-102.
- (2) Except as provided in Section 59-10-1002.2 and subject to Subsections (3) and (4), for taxable years beginning on or after January 1, 2008, a claimant may claim a nonrefundable tax credit for:
  - (a) a contribution:
    - (i) made during the taxable year;
    - (ii) made to a medical care savings account in accordance with Title 31A, Chapter 32a, Medical Care Savings Account Act;
    - (iii) that is accepted by the account administrator; and
    - (iv) that the claimant does not deduct on the claimant's federal individual income tax return under Section 220, Internal Revenue Code; and
  - (b) interest on the contribution described in Subsection (2)(a).
- (3)
  - (a) For eligible spouse claimants, a tax credit under this section is equal to the product of:
    - (i) the greater of:
      - (A) the sum of:
        - (I) the amount contributed in accordance with Title 31A, Chapter 32a, Medical Care Savings Account Act, by or on behalf of the husband, not to exceed the amount described in Subsection 31A-32a-103(2)(a)(i); and
        - (II) the amount contributed in accordance with Title 31A, Chapter 32a, Medical Care Savings Account Act, by or on behalf of the wife, not to exceed the amount described in Subsection 31A-32a-103(2)(a)(i); or
      - (B) an amount equal to the sum of all eligible medical expenses paid by the eligible spouse claimants on behalf of:
        - (I) the husband;
        - (II) the wife; or
        - (III) a dependent of the:
          - (Aa) husband; or
          - (Bb) wife; and
    - (ii) 5%.
  - (b) For a claimant other than eligible spouse claimants, a tax credit under this section is equal to the product of:
    - (i) the greater of:
      - (A) the amount contributed by or on behalf of the claimant, not to exceed the amount described in Subsection 31A-32a-103(2)(a)(i); or

(B) an amount equal to the sum of all eligible medical expenses paid by the claimant on behalf of:

(I) the claimant;

(II) the claimant's spouse; or

(III) a dependent of the claimant; and

(ii) 5%.

(4) A tax credit under this section may not be carried forward or carried back.