

# HSA Contribution Rules for Spouses

		Spouse				
		No Coverage of Their Own	Self-Only HDHP	Family HDHP	Self-Only Non-HDHP	Family Non-HDHP
Employee/Account Holder	No Coverage of Their Own	Neither Employee nor Spouse are eligible to contribute to an HSA.	Employee is not eligible to contribute to their own HSA.  Spouse is eligible to contribute to their own HSA account up to the IRC annual limit for self-only coverage.	Spouse is eligible to contribute to their own HSA. Employee is not eligible to contribute to their own HSA unless they are covered under Spouse's family HDHP coverage. If both are eligible to contribute to an HSA, the total combined contributions the Employee and Spouse can make to their respective HSAs cannot exceed the IRC annual limit for family HDHP coverage. If Employee is not HSA eligible, Spouse may contribute to their own HSA account up to the IRC annual limit for family coverage.	Neither Employee nor Spouse are eligible to contribute to an HSA.	Neither Employee nor Spouse are eligible to contribute to an HSA.
	Self-Only HDHP	Employee is eligible to contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage.  Spouse is not eligible to contribute to their own HSA.	Employee is eligible to contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage.  Spouse is eligible to contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage.	Both Employee and Spouse are eligible to contribute to their own HSAs. Under the special rule for married individuals, Employee and Spouse are treated as having family HDHP coverage. The total combined contributions between the Employee and Spouse cannot exceed the IRC annual limit for family HDHP coverage.	Employee is eligible to contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage.  Spouse is not eligible to contribute to their own HSA.	If Employee is covered under Spouse's family non-HDHP coverage, Employee is not eligible to contribute to their own HSA. If Employee is not covered under the family non-HDHP, Employee can contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage. Spouse is not eligible to contribute to their own HSA.

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**Spouse**

		Spouse				
		No Coverage of Their Own	Self-Only HDHP	Family HDHP	Self-Only Non-HDHP	Family Non-HDHP
Employee/Account Holder	Family HDHP	Employee is eligible to contribute to their own HSA up to the IRS annual limit for family HDHP coverage. Spouse is not eligible to contribute to their own HSA unless covered under Employee's family HDHP coverage. If both are HSA-eligible, the total combined contribution between the Employee and Spouse cannot exceed the IRC annual limit for family HDHP coverage.	Both Employee and Spouse are eligible to contribute to their own HSAs. Under the special rule for married individuals, both Employee and Spouse are treated as having family HDHP coverage. The total combined contributions between the Employee and Spouse cannot exceed the IRC annual limit for family HDHP coverage.	Both Employee and Spouse are eligible to contribute to their own HSAs. The total combined contributions between the Employee and Spouse cannot exceed the IRC annual limit for family HDHP coverage.	Employee is eligible to contribute to their own HSA up to the IRC annual limit for family HDHP coverage.  Spouse is not eligible to contribute to their own HSA.	If Employee is covered under Spouse's family non-HDHP coverage, Employee is not eligible to contribute to an HSA. If Employee is not covered under Spouse's family non-HDHP, Employee can contribute to their own HSA up to the IRC annual limit for family HDHP coverage. Spouse is not eligible to contribute to their own HSA.
	Self-Only Non-HDHP	Neither Employee nor Spouse are eligible to contribute to an HSA.	Employee is not eligible to contribute to their own HSA.  Spouse is eligible to contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage.	Employee is not eligible to contribute to their own HSA.  Spouse is eligible to contribute to their own HSA up to the IRC annual limit for family HDHP coverage.	Neither Employee nor Spouse are eligible to contribute to an HSA.	Neither Employee nor Spouse are eligible to contribute to an HSA.
	Family Non-HDHP	Neither Employee nor Spouse are eligible to contribute to an HSA.	If Spouse is covered under Employee's family non-HDHP coverage, Spouse is not eligible to contribute to their own HSA.  If Spouse is not covered under Employee's family non-HDHP, Spouse can contribute to their own HSA up to the IRC annual limit for self-only HDHP coverage. Employee is not eligible to contribute to their own HSA.	If Spouse is covered under Employee's family non-HDHP coverage, Spouse is not eligible to contribute to their own HSA.  If Spouse is not covered under Employee's family non-HDHP, Spouse can contribute to their own HSA up to the IRC annual limit for family HDHP coverage. Employee is not eligible to contribute to their own HSA.	Neither Employee nor Spouse are eligible to contribute to an HSA.	Neither Employee nor Spouse are eligible to contribute to an HSA.

**HSA Eligible** – To be an HSA eligible individual with respect to any month, the individual must be covered under a high deductible health plan (HDHP) as of the first day of the month and may not be participating or enrolled in any other coverage that provides coverage prior to satisfying the minimum statutory HDHP deductible (except coverage for preventive care), including any disqualifying non-HDHP coverage (e.g., coverage under a general-purpose health FSA or HRA). Individuals who can be claimed as tax dependents and those entitled to Medicare (i.e., eligible and enrolled) are not HSA-eligible. Only HSA-eligible individuals may contribute to an HSA or have HSA contributions made on their behalf.

**Family Coverage** – The term “family coverage” means any coverage other than self-only coverage.<sup>1</sup> Family HDHP coverage is a health plan covering one eligible individual and at least one other individual (whether or not the other individual is an eligible individual).<sup>2</sup> The other individual is not required to be the eligible individual’s spouse or tax dependent.

**Contribution Allocation Between Spouses** – When spouses are both HSA-eligible and at least one spouse is enrolled in family HDHP coverage, both are treated as having family HDHP coverage under a special rule for married individuals. A family HSA contribution maximum applies to the spouses, and they may divide their annual HSA contribution limit in any reasonable manner (e.g., one spouse can contribute 100% of the limit to their own HSA, each can contribute 50% of the limit to each of their own respective HSA accounts, etc.).

**Catch-Up Contribution** – The annual HSA contribution limit is increased by \$1,000 for HSA-eligible individuals who attain age 55 by the end of the taxable year. The increased \$1,000 contribution limit applies independently to each married spouse over age 55 and is provided to each spouse over age 55 who has established their own separate HSA.

**Children** – A child who is not an employee’s tax dependent may establish and contribute to their own HSA if HSA eligible. HDHP coverage for an employee and their non-tax dependent child is treated as family HDHP coverage for HSA contribution limit purposes. Both Employee and the non-tax dependent child may separately contribute up to the IRC annual limit for family HDHP coverage (e.g., each individual could contribute \$8,300 into their own HSA in 2024).

**Domestic Partners** – A domestic partner who is not an employee’s tax dependent may establish and contribute to their own HSA if HSA eligible. HDHP coverage for an employee and their domestic partner is treated as family HDHP coverage for HSA contribution limit purposes. The special rule for married individuals does not apply to domestic partners (unless they have a valid marriage). If each non-married HSA-eligible domestic partner is enrolled in family HDHP coverage, then each domestic partner may separately contribute up to the IRC annual limit for family HDHP coverage (e.g., each partner could contribute \$8,300 into their own HSA in 2024). If one non-married HSA-eligible domestic partner has family HDHP coverage and the other has self-only HDHP coverage, the first may contribute up to the IRC annual limit for family HDHP coverage, and the second may contribute up to the IRC annual limit for self-only HDHP coverage. If the domestic partners are considered married under federal law, their total combined contribution limit would be limited to the annual contribution limit for family HDHP coverage if both are HSA-eligible and at least one of them has family HDHP coverage.

**HSA Contribution Limit When Family Coverage Ends Midyear** – When family coverage is lost midyear, and one spouse continues with self-only HDHP coverage for the remainder of the year (e.g., when one spouse enrolls in Medicare and the other continues with self-only coverage), the HSA contribution limit will be prorated based on the number of months they had family coverage versus self-only coverage.

<sup>1</sup>26 U.S. Code § 223(c)(4)

<sup>2</sup>Notice 2004-50, Q/A-12



## How Brown & Brown Can Help

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