

1780

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to providing a tax deduction for donating organs; and to amend the labor law, in relation to job security for those individuals who decide to donate an organ

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subsection (c) of section 612 of the tax law is amended by  
2     adding a new paragraph 39 to read as follows:  
3     (39) UP TO TEN THOUSAND DOLLARS FOR ANY PERSON WHO DONATES ONE OR MORE  
4     OF HIS OR HER HUMAN ORGANS TO ANOTHER HUMAN BEING FOR HUMAN ORGAN TRANS-  
5     PLANTATION. SUCH DEDUCTION MAY ONLY BE TAKEN ONCE IN A DONOR'S LIFETIME.  
6     THE DEDUCTION SHALL EQUAL THAT AMOUNT OF NON-REIMBURSED EXPENSES RELAT-  
7     ING TO TRAVEL, LODGING, MEDICAL EXPENSES AND LOST WAGES, BUT IN NO EVENT  
8     SHALL THE AGGREGATE AMOUNT OF THE DEDUCTION EXCEED TEN THOUSAND DOLLARS.  
9     THE DEDUCTION MUST BE TAKEN IN EITHER THE YEAR THE TRANSPLANT OCCURS, OR  
10    THE YEAR IMMEDIATELY FOLLOWING THE YEAR THE TRANSPLANT OCCURS. FOR  
11    PURPOSES OF THIS PARAGRAPH, "HUMAN ORGAN" MEANS ALL OR PART OF A LIVER,  
12    PANCREAS, LUNG, KIDNEY, INTESTINE, OR BONE MARROW.  
13    S 2. Subdivision 2 of section 201-d of the labor law is amended by  
14    adding a new paragraph e to read as follows:  
15    E. AN INDIVIDUAL'S DECISION TO DONATE A HUMAN ORGAN AND FOR HIS OR HER  
16    ABSENCE FROM WORK DURING THE RECOVERY PERIOD OF SUCH DONATION.  
17    S 3. This act shall take effect immediately and shall apply to taxable  
18    years commencing on or after such effective date, provided that the  
19    commissioner of taxation and finance shall promulgate any rule or regu-  
20    lation necessary for the timely implementation of this act.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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