

10375

I N A S S E M B L Y

March 22, 2010

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing the New York state organ donation tax credit

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

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (qq) to read as follows:

3 (QQ) NEW YORK STATE ORGAN DONATION TAX CREDIT. (1) ALLOWANCE OF CRED-
4 IT. FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND
5 ELEVEN, A RESIDENT TAXPAYER WHO MAKES AN ANATOMICAL GIFT PURSUANT TO
6 ARTICLE FORTY-THREE OF THE PUBLIC HEALTH LAW SHALL BE ALLOWED A CREDIT
7 AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO ONE THOUSAND DOLLARS.

8 (2) DEFINITIONS. FOR PURPOSES OF THIS SECTION "DELIVERY" SHALL MEAN
9 THE DATE ON WHICH THE DONOR UNDERGOES THE MEDICAL PROCEDURE REQUIRED FOR
10 DONATION.

11 (3) CARRYOVER. IF THE AMOUNT OF THE CREDIT, AND CARRYOVERS OF SUCH
12 CREDIT, ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL
13 EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, SUCH EXCESS AMOUNT MAY BE
14 CARRIED OVER TO THE FIVE TAXABLE YEARS NEXT FOLLOWING THE TAXABLE YEAR
15 WITH RESPECT TO WHICH THE CREDIT IS ALLOWED AND MAY BE DEDUCTED FROM THE
16 TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

17 (4) MARRIED INDIVIDUALS. IN THE CASE OF MARRIED INDIVIDUALS FILING
18 JOINTLY, THE CREDIT SHALL BE EQUAL TO ONE THOUSAND DOLLARS PER ANATOM-
19 ICAL GIFT PER INDIVIDUAL. THE MAXIMUM ALLOWANCE AVAILABLE SHALL BE TWO
20 THOUSAND DOLLARS AND ONLY IN THE CASE OF GIFTS MADE IN THE SAME TAXABLE
21 YEAR BY TWO MARRIED INDIVIDUALS FILING JOINTLY. IN THE CASE OF MARRIED
22 INDIVIDUALS FILING SEPARATELY, THE CREDIT MAY ONLY BE CLAIMED BY THE
23 INDIVIDUAL THAT HAS MADE SUCH ANATOMICAL GIFT.

24 (5) LIMITATIONS. THIS CREDIT MAY ONLY BE CLAIMED FOR THE TAXABLE YEAR
25 IN WHICH THE GIFT WAS DELIVERED PURSUANT TO THE DELIVERY REQUIREMENTS OF
26 THIS SECTION AND ONLY BY THE DONOR OF SUCH ANATOMICAL GIFT. THIS CREDIT
27 MAY ONLY BE CLAIMED ONCE.

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

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1 (6) UMBILICAL CORD AND BLOOD DONATION. NEITHER UMBILICAL CORD DONATION
2 NOR THE DONATION OF BLOOD SHALL CONSTITUTE AN ANATOMICAL GIFT UNDER THIS
3 SECTION.
4 S 2. This act shall take effect immediately.