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HOUSE BILL NO. 762
Offered January 10, 2024
Prefiled January 9, 2024

A *BILL* to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.15, relating to organ donation leave tax credit.

Patron—Delaney

Referred to Committee on Subcommittee #1

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.15 as follows:

§ 58.1-339.15. Organ donation leave tax credit.

A. For the purposes of this section:

"Organ donation leave" means a period of employment leave received by an employee organ donor as authorized by § 40.1-33.8.

"Organ donor" means a person from whose body a whole or partial organ is taken to be transferred to the body of another person. "Organ donor" shall include a person who donates bone marrow or a whole or partial liver.

"Private employer" means a sole proprietor, corporation, partnership, limited liability company, or other entity with one or more employees. "Private employer" does not mean a municipality, county, state agency, institution of higher education, or other public employer.

B. For taxable years beginning on and after January 1, 2024, but before January 1, 2029, a taxpayer that is a private employer shall be allowed a nonrefundable credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for (i) an amount equal to employee compensation paid, if any, to the organ donor during the organ donation leave and (ii) the cost of temporary replacement help, if any, during the organ donation leave.

C. The amount of the credit that may be claimed in any single taxable year shall not exceed the taxpayer's liability for taxes imposed by this chapter for that taxable year. If the amount of the credit allowed under this section exceeds the taxpayer's tax liability for the taxable year in which the eligible transaction occurred, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

D. For purposes of this section, the amount of any credit claimed by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

INTRODUCED

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