

The Senate Committee on Public Safety offered the following substitute to HB 275:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to
2 prohibit insurers from cancelling, modifying coverage, refusing to issue, or refusing to renew
3 life insurance policies solely because the applicant or insured donated a liver, pancreas,
4 kidney, intestine, lung, or bone marrow; to amend Chapter 7 of Title 48 of the Official Code
5 of Georgia Annotated, relating to income taxes, so as to revise an income tax deduction
6 based on a taxpayer's living donation of all or part of his or her liver, pancreas, kidney,
7 intestine, lung, or bone marrow; to provide for an income tax credit for employers that
8 provide paid leave to employee donors for periods of medically necessary leave from work;
9 to provide for conditions and limitations; to provide for promulgation of rules and
10 regulations; to provide for a short title; to provide for related matters; to provide for effective
11 dates and applicability; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Giving the Gift of Life Act."

15 **SECTION 2.**

16 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code
 17 Section 33-6-5, relating to other unfair methods of competition and unfair or deceptive acts
 18 or practices in the business of insurance, by adding a new paragraph to read as follows:

19 "(8.1) No insurance company shall cancel, modify coverage, refuse to issue, or refuse to
 20 renew any life insurance policy solely because the applicant or insured, acting as a living
 21 organ donor, donated all or part of a liver, pancreas, kidney, intestine, lung, or bone
 22 marrow, provided that this paragraph shall not be interpreted to modify any other
 23 provision of this title relating to the cancellation, modification, issuance, or renewal of
 24 any insurance policy or contract;"

25 **SECTION 3.**

26 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,
 27 is amended by revising paragraph (13) of subsection (a) of Code Section 48-7-27, relating
 28 to computation of state taxable net income, as follows:

29 ~~"(13)(A) An amount equal to the actual amount expended for organ donation expenses~~
 30 ~~not to exceed the amount of \$10,000.00 incurred in accordance with the 'National Organ~~
 31 ~~Procurement Act.'~~

32 ~~(B) In order to qualify for the exclusion under subparagraph (A) of this paragraph, such~~
 33 ~~taxpayer must; On and after January 1, 2023, for any taxpayer who, while living,~~
 34 ~~donate donated all or part of such person's liver, pancreas, kidney, intestine, lung, or~~
 35 ~~bone marrow in accordance with the 'National Organ Procurement Act,' \$25,000.00-~~
 36 ~~In for the taxable year in which the donation is was made, the taxpayer shall be entitled~~
 37 ~~to claim the exclusion provided in subparagraph (A) of this paragraph only with respect~~
 38 ~~to unreimbursed travel expenses, lodging expenses, and lost wages incurred as a direct~~
 39 ~~result of the organ donation;"~~

40 **SECTION 4.**

41 Said chapter is further amended by adding a new Code section to read as follows:

42 "48-7-40.37.43 (a) As used in this Code section, the term:44 (1) 'Employee donor' means a taxpayer who has, while living, donated all or part of such
45 person's liver, pancreas, kidney, intestine, lung, or bone marrow in accordance with the
46 'National Organ Procurement Act.'47 (2) 'Employer' means an enterprise or organization, whether corporation, partnership,
48 limited liability company, proprietorship, association, trust, business trust, real estate
49 trust, or other form of organization, and its affiliates, which is registered and authorized
50 to use the federal employment verification system known as 'E-Verify' or any successor
51 federal employment verification system and is engaged in or carrying on any business
52 activities within this state.53 (3) 'Paid donation leave' means compensation to an employee donor equivalent to the
54 compensation that he or she would have received if he or she had worked for the
55 employer in his or her job for the period of time that was medically necessary for such
56 employee donor to recover from his or her living donation of all or part of his or her liver,
57 pancreas, kidney, intestine, lung, or bone marrow in accordance with the 'National Organ
58 Procurement Act.'59 (b)(1) On and after January 1, 2023, an employer that provides paid donation leave to an
60 employee donor shall be eligible for a credit against the tax imposed under this article in
61 the amount of \$300.00 for each day of paid donation leave given to an employee donor
62 or the actual amount paid to such employee donor, whichever is less.63 (2) An employer shall not be eligible to receive the credit provided by this subsection for
64 more than 30 days per employee donor per year.65 (3) An employer shall only be eligible to receive credits provided by this subsection in
66 an amount up to \$54,000.00 per taxable year.

67 (c) To obtain the credit provided by subsection (b) of this Code section, the employer shall
68 file with its tax return such records as the commissioner determines are necessary to
69 support the claim for the tax credit, including, but not limited to, pay stubs for the
70 employee donor and a signed attestation from the employee donor providing the date of the
71 donation and the period of time for which leave from work was prescribed as medically
72 necessary.

73 (d) In no event shall the credit provided by subsection (b) of this Code section for a taxable
74 year exceed the employer's income tax liability. Any unused portion of the credit provided
75 by subsection (b) of this Code section shall be permitted to be carried forward and applied
76 to the employer's tax liability for the subsequent three years. The credit provided by
77 subsection (b) of this Code section shall not be applied against the employer's prior years'
78 tax liabilities.

79 (e) On or before September 1, 2024, and annually thereafter, the commissioner shall issue
80 a report to the chairpersons of the Senate Finance Committee and the House Committee on
81 Ways and Means concerning the tax credit created by this Code section, which shall
82 include the following statistics for the preceding taxable year:

83 (1) The total number of employers that claimed a credit provided by this Code section;
84 (2) The total number of employee donors and days of paid donation leave given; and
85 (3) The total value of all credits earned and all credits applied during the prior year with
86 respect to this Code section.

87 (f) The commissioner may promulgate such rules and regulations necessary to implement
88 and administer the provisions of this Code section."

89 **SECTION 5.**

90 (a) This Act shall become effective on July 1, 2022; provided, however, that Sections 3 and
91 4 of this Act shall become effective on January 1, 2023.

- 92 (b)(1) Section 2 of this Act shall be applicable to all policies or contracts issued,
93 delivered, issued for delivery, or renewed in this state on or after July 1, 2022.
- 94 (2) Sections 3 and 4 of this Act shall be applicable to taxable years beginning on or after
95 January 1, 2023, and for eligible donations occurring on or after such date.

96

SECTION 6.

97 All laws and parts of laws in conflict with this Act are repealed.