

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 867 Session of 2025

INTRODUCED BY HARKINS, MAYES, GIRAL, KENYATTA AND SANCHEZ,
MARCH 11, 2025

REFERRED TO COMMITTEE ON FINANCE, MARCH 11, 2025

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," in tax credit and tax benefit administration,
11 further providing for definitions; and providing for
12 stillbirth tax credit.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "tax credit" in section 1701-
16 A.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
17 Reform Code of 1971, is amended by adding a paragraph to read:
18 Section 1701-A.1. Definitions.

19 The following words and phrases when used in this article
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Tax credit." A tax credit authorized under any of the

1 following:

2 * * *

3 (14.2) Article XVIII-I.

4 * * *

5 Section 2. The act is amended by adding an article to read:

6 ARTICLE XVIII-I

7 STILLBIRTH TAX CREDIT

8 Section 1801-I. Definitions.

9 The following words and phrases when used in this article
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Department of Revenue of the Commonwealth.

13 "Qualified tax liability." The liability for taxes imposed
14 under Article III.

15 "Stillbirth." The expulsion or extraction from a mother of a
16 product of conception after 16 weeks gestation, which shows no
17 evidence of life after expulsion or extraction.

18 "Tax credit." The stillbirth tax credit provided under this
19 article.

20 "Taxpayer." An individual subject to payment of taxes under
21 Article III.

22 Section 1802-I. Application.

23 (a) Submission.--A taxpayer eligible under section 1803.1(a)
24 may submit an application for a tax credit under this article in
25 a manner prescribed by the department. The application shall
26 contain the following information:

27 (1) The name and Social Security number of the taxpayer.

28 (2) A copy of the certificate of fetal death or
29 certificate of birth resulting in stillbirth.

30 (3) Any other information deemed appropriate by the

department.

(b) Procedure.--The application shall be attached to the applicant's annual tax return required to be filed under Article III.

Section 1803-I. Tax credit.

(a) Eligibility.--A taxpayer is eligible for a tax credit against the qualified tax liability of the taxpayer under subsection (b) if the taxpayer experiences a stillbirth.

(b) Maximum credit.--A taxpayer who qualifies under subsection (a) may claim a tax credit of \$2,000 for each stillbirth for which a certificate of fetal death or certificate of birth resulting in stillbirth has been issued by the Department of Health.

(c) Limitation.--The tax credit under this section may only be claimed:

(1) In the taxable year in which the stillbirth occurred.

(2) If the child would have been a "dependent" of the taxpayer as defined under 26 U.S.C. § 152 (relating to dependent defined).

Section 1804-I. Credit refund.

If the amount of the tax credit that an individual is allowed under this article exceeds the individual's State tax liability, the department shall refund the excess to the individual.

Section 1805-I. Guidelines.

The department shall issue guidelines, including forms, necessary to administer this article. The department may require additional proof of the claim for a tax credit.

Section 1806-I. Penalty.

A taxpayer who claims a tax credit under this article but

1 does not meet the eligibility requirements under section 1803-I
2 shall repay the full amount of the tax credit to the department.
3 Section 3. This act shall take effect in 60 days.