

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 953 Session of  
2005

INTRODUCED BY C. WILLIAMS, COSTA, MUSTO, KITCHEN, WASHINGTON AND  
WOZNIAK, OCTOBER 26, 2005

REFERRED TO FINANCE, OCTOBER 26, 2005

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," providing for a tax credit for employer expenses  
11 related to employees who breastfeed.

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

14 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as  
15 the Tax Reform Code of 1971, is amended by adding an article to  
16 read:

17 ARTICLE XVIII-C

18 BREASTFEEDING PROMOTION AND SUPPORT TAX CREDIT

19 Section 1801-C. Short title of article.

20 This article shall be known and may be cited as the  
21 Breastfeeding Promotion and Support Tax Credit Act.

22 Section 1802-C. Definitions.

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

"Qualified breastfeeding promotion and support expenditure."  
Any amount paid or incurred in connection with a trade or business of the taxpayer for:

(1) breast pumps and other equipment specially designed to assist mothers who are employees of the taxpayer to breastfeed or express milk for their children but only if such pumps meet the standards, if any, prescribed by the Department of Health;

(2) the acquisition or lease of tangible personal property not described in paragraph (1) that is exclusively used by mothers who are employees of the taxpayer to breastfeed or express milk for their children, unless such property is located in any residence of the taxpayer or any employee of the taxpayer; or

(3) consultation services to the taxpayer or employees of the taxpayer relating to breastfeeding.

"Tax credit." The breastfeeding promotion and support tax credit established under this article.

"Taxpayer." An entity subject to tax under Article III, IV, VI, VII, VIII, IX or XV of this act.

Section 1803-C. Authorization of tax credit.

(a) General rule.--A taxpayer who incurs a qualified breastfeeding promotion and support expenditure in a taxable year shall be eligible for the tax credit.

(b) Maximum credit.--A taxpayer that is qualified under subsection (a) shall receive a tax credit for the taxable year in the amount of 50% of the qualified breastfeeding promotion

1 and support expenditure. A taxpayer shall not claim a credit of  
2 more than \$10,000 in any taxable year.

3 Section 1804-C. Taxes against which credit may be taken.

4 (a) General rule.--Except as provided in subsection (b), the  
5 tax credit provided for in this article may be applied against  
6 any tax due under Article III, IV, VI, VII, VIII, IX or XV of  
7 this act.

8 (b) Exception.--The tax credit provided for in this article  
9 shall not be applied against an employer withholding taxes  
10 required under Article III of this act.

11 Section 1805-C. Limitations on tax credits.

12 Tax credits under this article shall be subject to the  
13 following:

14 (1) Unused tax credits may be carried forward and  
15 applied to succeeding taxable years for no more than two  
16 taxable years following the first taxable year for which the  
17 taxpayer was entitled to claim the credit. If not used within  
18 this time period, the tax credits shall expire.

19 (2) Tax credits shall not be refundable.

20 (3) Tax credits shall not be transferable.

21 Section 1806-C. Powers and duties.

22 In addition to those powers created by any other act, the  
23 Secretary of Revenue shall have the power and it shall be the  
24 secretary's duty to:

25 (1) Promulgate and publish any rules and regulations which  
26 may be required to implement this article.

27 (2) Publish as a notice in the Pennsylvania Bulletin forms  
28 upon which taxpayers may apply for the tax credit authorized by  
29 this article.

30 Section 2. This act shall apply to the taxable year

1 beginning January 1, 2006.

2 Section 3. This act shall take effect immediately.