

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2845 Session of  
1994

INTRODUCED BY SANTONI, VEON, COY, GEIST, ROONEY, GORDNER,  
COLAFELLA, TOMLINSON, HERSHEY, STABACK, ARGALL, KING,  
KUKOVICH, BAKER, FARGO, CORRIGAN, VAN HORNE, CLYMER, DeLUCA,  
L. I. COHEN, TRICH, PETRARCA, BELFANTI, MELIO AND GIGLIOTTI,  
MAY 23, 1994

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 23, 1994

AN ACT

1 Relating to bone marrow; providing for a special leave of  
2 absence for bone marrow donors; providing for a tax credit;  
3 and providing for additional duties of the Department of  
4 Health and the Department of Revenue.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Bone Marrow  
9 Donor Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) Each year an estimated 16,000 Americans contract  
13 leukemia, aplastic anemia or other fatal blood diseases.

14 (2) If a matched bone marrow donor can be found, many of  
15 these victims can be cured.

16 (3) There is now a national Marrow Donor Program, and  
17 the United States is working with 30 other countries to

1 establish a worldwide registry.

2 (4) Marrow donation is the only kind of organ donation  
3 that does not involve considerable risk to the donor.

4 (5) There continues to be a great need for bone marrow  
5 among African-Americans, Asians, Native Americans and  
6 Hispanic communities.

7 Section 3. Definitions.

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

11 "Business firm." Any business entity authorized to do  
12 business in this Commonwealth and subject to taxes imposed by  
13 Article IV, VI, VII, VIII, IX, X, XIII or XV of the act of March  
14 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

15 "Department." The Department of Health of the Commonwealth.

16 Section 4. Bone marrow donor education.

17 (a) Content of program.--The department shall provide  
18 information and education to the residents of this Commonwealth  
19 about bone marrow donation which shall include:

20 (1) The need for donors and benefits to the recipient.

21 (2) The medical procedures donors must undergo.

22 (3) The process by which a potential donor becomes  
23 registered.

24 (4) Special efforts shall be made to educate and recruit  
25 minority populations to volunteer as potential bone marrow  
26 donors.

27 (b) Means of communication.--Means of communication shall  
28 include, but not be limited to, the placement of educational  
29 material in State photo licensing centers, health care  
30 facilities, blood banks and State agencies.

1 Section 5. Employee leave for bone marrow donation.

2 A business firm shall grant to any of its employees a special  
3 paid leave of absence for the purpose of donating bone marrow,  
4 subject to the following:

5 (1) The employer may require verification by a physician  
6 concerning the length and purpose of the leave requested.

7 (2) If there is a medical determination that the  
8 employee does not qualify as a bone marrow donor, the paid  
9 leave of absence granted to the employee prior to that  
10 determination is not affected.

11 (3) An employee's rights with respect to any other  
12 employment benefit shall not be affected by leave granted for  
13 purposes of bone marrow donation.

14 Section 6. Bone marrow donor tax credit.

15 (a) General rule.--Every business firm engaged in a for-  
16 profit business enterprise within this Commonwealth and which  
17 provides one or more paid leaves of absence to employees for the  
18 specific purpose of bone marrow donation for a period of up to  
19 40 work hours shall qualify for the bone marrow donor tax  
20 credit. A business firm which qualifies for the credit may apply  
21 that credit against any tax due under Article IV, VI, VII, VIII,  
22 IX, X, XIII or XV of the act of March 4, 1971 (P.L.6, No.2),  
23 known as the Tax Reform Code of 1971.

24 (b) Calculation of credit.--The tax credit amount shall be  
25 equal to the amount of employee salary paid during the leave of  
26 absence period described in section 5, the cost of temporary  
27 replacement help, if any, during the period and any  
28 miscellaneous expenses incurred in connection with the period.

29 Section 7. Duties of Department of Revenue.

30 (a) Duties enumerated.--The Department of Revenue shall:

1           (1) In the manner provided by law, promulgate the  
2 regulations necessary to implement section 6.

3           (2) Publish as a notice in the Pennsylvania Bulletin  
4 forms upon which taxpayers may apply for the tax credit  
5 authorized by this act.

6           (3) Within five months after the close of any calendar  
7 year during which tax credits granted pursuant to this act  
8 were used, furnish to the members of the General Assembly an  
9 annual report providing as to each business firm which used  
10 tax credits during the preceding calendar year pursuant to  
11 this act, the employer's name, address, standard industrial  
12 classification code and the amount of tax credits granted.

13       (b) Certain provisions not to apply.--The provisions of  
14 section 408(b) of the act of March 4, 1971 (P.L.6, No.2), known  
15 as the Tax Reform Code of 1971, relating to confidentiality of  
16 information, and any other provisions of law preventing the  
17 disclosure of information required under subsection (a)(3),  
18 shall not apply when the information is divulged for the  
19 purposes of subsection (a)(3).

20 Section 8. Applicability.

21       This act shall apply to tax years commencing after January 1,  
22 1994.

23 Section 9. Effective date.

24       This act shall take effect immediately.