

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 244

Session of  
2001

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INTRODUCED BY GODSHALL, BARD, BARRAR, BELARDI, BELFANTI, BISHOP, CIVERA, CORNELL, FRANKEL, HARHAI, KENNEY, ROEBUCK, SANTONI, STEELMAN, E. Z. TAYLOR, C. WILLIAMS, WILT, WOGAN, WOJNAROSKI, SAINATO, BOYES, METCALFE, TRELLO, SHANER, PALLONE, HUTCHINSON, HANNA, VANCE, SAYLOR, McNAUGHTON, BROWNE, MANN, CORRIGAN, BENNINGHOFF AND LEWIS, JANUARY 29, 2001

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AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES,  
AS AMENDED, MARCH 12, 2001

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### AN ACT

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

5 The General Assembly finds as follows:

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

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

10 (3) There is now a national Marrow Donor Program, and  
11 the United States is working with 30 other countries to  
12 establish a worldwide registry.

13 (4) Marrow donation does not involve considerable risk  
14 to the donor.

15 (5) There are approximately 65,000 patients in the  
16 United States and approximately 3,500 patients in this

1 Commonwealth awaiting life-saving organ transplants.

2 (6) Many patients awaiting organ transplants could  
3 benefit from living organ donation, including approximately  
4 43,000 kidney patients, 7,000 liver patients and 3,500 lung  
5 patients.

6 (7) Of the more than 1,500 organ transplants performed  
7 in this Commonwealth in 1998, approximately 250 were from  
8 living donors.

9 (8) There continues to be a great need for bone marrow  
10 and organ donors among the African-American, Asian, Native  
11 American and Hispanic communities.

12 (9) Potential living bone marrow and organ donors should  
13 be able to perform their life-saving service without risk of  
14 loss of income or employment.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Short title.

18 This act shall be known and may be cited as the Organ and  
19 Bone Marrow Donor Act.

20 Section 2. Definitions.

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

24 "Business firm." Any business entity authorized to do  
25 business in this Commonwealth and subject to taxes imposed by  
26 Article IV, VI, VII, VIII, IX or XV of the act of March 4, 1971  
27 (P.L.6, No.2), known as the Tax Reform Code of 1971. THIS TERM <—  
28 ALSO INCLUDES A PASS-THROUGH ENTITY.

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

30 "LEAVE OF ABSENCE PERIOD." THE PERIOD, NOT EXCEEDING FIVE <—

1 WORKING DAYS OR THE HOURLY EQUIVALENT OF FIVE WORKING DAYS PER  
2 EMPLOYEE, DURING WHICH A BUSINESS FIRM PROVIDES A PAID LEAVE OF  
3 ABSENCE TO THE EMPLOYEE FOR THE PURPOSE OF ORGAN OR BONE MARROW  
4 DONATION.

5 "PASS-THROUGH ENTITY." ANY OF THE FOLLOWING:

6 (1) A PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED  
7 LIABILITY COMPANY, BUSINESS TRUST OR OTHER UNINCORPORATED  
8 ENTITY THAT FOR FEDERAL INCOME TAX PURPOSES IS TAXABLE AS A  
9 PARTNERSHIP.

10 (2) A PENNSYLVANIA S CORPORATION.

11 Section 3. Bone marrow donor education.

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

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

16 (2) The medical procedures donors must undergo.

17 (3) The process by which a potential donor becomes  
18 registered.

19 (4) Special efforts to educate and recruit minority  
20 populations to volunteer as potential bone marrow donors.

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

25 Section 4. Employee leave for organ or bone marrow donation.

26 A business firm may grant to any of its employees a special  
27 paid leave of absence for the purpose of donating an organ or  
28 bone marrow, subject to the following:

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

1 (2) If there is a medical determination that the  
2 employee does not qualify as an organ or bone marrow donor,  
3 the paid leave of absence granted to the employee prior to  
4 that determination is not affected.

5 (3) An employee's rights with respect to any other  
6 employment benefit shall not be affected by leave granted for  
7 purposes of organ or bone marrow donation.

8 Section 5. Organ and bone marrow donor tax credit.

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

18 NOTWITHSTANDING THE FOREGOING, THE CREDIT SHALL NOT BE APPLIED <—  
19 AGAINST ANY TAX WITHHELD BY AN EMPLOYER FROM AN EMPLOYEE UNDER  
20 ARTICLE III OF THE TAX REFORM CODE OF 1971.

21 (b) Calculation of credit.--The tax credit amount shall be  
22 equal to the amount of employee salary paid during the leave of  
23 absence period ~~described in section 4~~, the cost of temporary <—  
24 replacement help, if any, during the LEAVE OF ABSENCE period and <—  
25 any miscellaneous expenses ~~incurred in connection with the~~ <—  
26 ~~period~~. AUTHORIZED BY REGULATION THAT ARE INCURRED IN CONNECTION <—  
27 WITH THE LEAVE OF ABSENCE PERIOD. CREDITS CALCULATED FOR A  
28 BUSINESS FIRM SUBJECT TO TAX IN ANOTHER STATE SHALL BE  
29 APPORTIONED TO THIS COMMONWEALTH IN THE MANNER SPECIFIED BY  
30 REGULATION.

(C) UNUSED CREDIT.--CREDITS NOT USED FOR THE TAXABLE YEAR DURING WHICH A LEAVE OF ABSENCE WAS GRANTED MAY BE CARRIED OVER FOR THREE TAXABLE YEARS. CREDITS SHALL NOT BE CARRIED BACK AGAINST PRECEDING TAXABLE YEARS.

Section 6. Duties of Department of Revenue.

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

(1) In the manner provided by law, promulgate the regulations necessary to implement section 5.

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

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

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

Section 7. Applicability.

This act shall apply to tax years commencing on or after January 1, 2001.

Section 8. Effective date.

This act shall take effect immediately.