

# ASSEMBLY, No. 4664

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 6, 2017

**Sponsored by:**

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**District 39 (Bergen and Passaic)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

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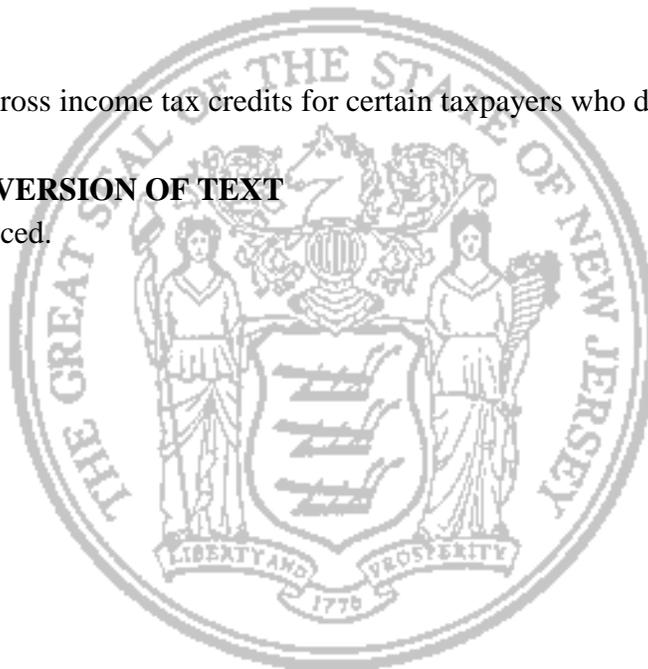
**Assemblymen Rooney, C.A.Brown, Dancer, Assemblywoman Phoebus, Assemblymen Rible, DiMaio, Bramnick, Howarth, Space, Clifton, Andrzejczak, Land, Karabinchak, Singleton, Assemblywomen Jimenez, Downey, Assemblymen Eustace, Holley, Coughlin, Danielsen, Assemblywoman Mosquera and Assemblyman Houghtaling**

**SYNOPSIS**

Provides gross income tax credits for certain taxpayers who donate organs.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/24/2017)

1 AN ACT providing credits against the gross income tax for certain  
2 organ donations, and supplementing chapter 4 of Title 54A of the  
3 New Jersey Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. a. A taxpayer shall be allowed a credit against the tax  
9 otherwise due under the “New Jersey Gross Income Tax Act,”  
10 N.J.S.54A:1-1 et seq., in an amount equal to \$1,000 per taxable year  
11 if the taxpayer donates one or more of the taxpayer’s human organs,  
12 as defined by this section, to another human being for  
13 transplantation or therapy. For purposes of this section, “human  
14 organ” means bone marrow, part of a liver, or all or part of a lung  
15 or a kidney.

16 b. A credit allowed under this section shall be claimed for the  
17 taxable year in which the organ transplantation occurs. (This credit  
18 may be claimed only once per taxable year.)

19 c. If the amount of credit allowed pursuant to subsection a. of  
20 this section for a taxable year, together with any other payments or  
21 credits against the tax, reduces the tax liability otherwise due for the  
22 taxable year to zero, any amount of credit remaining shall be paid to  
23 the taxpayer as a refund of an overpayment of tax pursuant to  
24 N.J.S.54A:9-7; provided, however, that subsection (f) of that  
25 section, concerning the allowance of interest, shall not apply.

26 d. The director shall promulgate procedures and forms by  
27 which a taxpayer may certify that the taxpayer has qualified for the  
28 credit under this section.

29  
30 2. a. Any decedent who, at the time of death, was a resident  
31 taxpayer or nonresident taxpayer, was a registered organ donor as  
32 defined by this section, and donated all or any organs or tissues to  
33 another human being for the purpose of human organ  
34 transplantation, shall be allowed a credit against the tax otherwise  
35 due under the “New Jersey Gross Income Tax Act,” N.J.S.54A:1-1  
36 et seq., in an amount equal to \$1,000 for the taxable year in which  
37 the donation is made.

38 b. For purposes of this section, “registered organ donor” means  
39 an individual who, at the time of death, was issued a current and  
40 validly executed driver’s license or non-driver identification card  
41 with an organ donor designation by the New Jersey Motor Vehicle  
42 Commission, was issued a current and validly executed  
43 identification card with an organ donor designation by a county of  
44 this State, or was a current and validly registered organ donor with  
45 the Donate Life New Jersey registry.

46 c. A credit allowed under this section shall be claimed for the  
47 taxable year in which the organ or tissue donation is made, provided  
48 that if a decedent’s organ or tissue donation is made over the course

1 of more than one taxable year, the credit shall only be claimed for  
2 the earlier of the taxable years.

3 d. If the amount of credit allowed pursuant to subsection a. of  
4 this section for a taxable year, together with any other payments or  
5 credits against the tax, reduces the tax liability otherwise due for the  
6 taxable year to zero, any amount of credit remaining shall be paid to  
7 the estate of the decedent as a refund of an overpayment of tax  
8 pursuant to N.J.S.54A:9-7; provided, however, that subsection (f) of  
9 that section, concerning the allowance of interest, shall not apply.

10 e. To claim a credit under this section, the personal  
11 representative of a decedent's estate shall obtain documentation  
12 from an agency of the State or its political subdivisions to attest that  
13 the decedent was a registered organ donor, and shall also obtain  
14 documentation from a hospital, organ procurement organization, or  
15 a licensed health care provider to attest that the decedent's organs,  
16 tissues, or both, were donated to a human being for purposes of  
17 transplantation or therapy. Upon obtaining such documentation, the  
18 personal representative shall include such documentation when  
19 filing a return that includes a claim for a credit allowed in  
20 accordance with this section.

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22 3. This act shall take effect immediately and shall apply to  
23 taxable years beginning on or after January 1, 2017.

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#### STATEMENT

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28 This bill seeks to encourage greater participation in State-  
29 authorized organ donation programs. Currently, approximately  
30 5,000 New Jersey residents are waiting for an organ or tissue  
31 transplant. Meanwhile, one single donor can save up to eight lives  
32 and improve the quality of life for up to 50 individuals. Yet only 34  
33 percent of New Jersey adults are presently registered as organ  
34 donors, which is the sixth lowest participation rate in the country.

35 This bill creates a \$1,000 gross income tax credit for individuals  
36 who have registered as an organ donor with the Motor Vehicle  
37 Commission, with a county of this State, or with the State's Donate  
38 Life New Jersey Registry, and who, upon death, donate organs for  
39 human transplant. This credit is refundable, with any balance then  
40 given as a credit to the estate. The executor or executrix of the  
41 decedent's estate would be required to obtain documentation to  
42 confirm that the donor was a registered organ donor and that the  
43 donor's organs were harvested to be transplanted into another  
44 human being.

45 This \$1,000 credit may also be claimed by a living donor who  
46 donates all or part of his or her organs for human organ  
47 transplantation.