

## DIGEST

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SB 41 Reengrossed

2023 Regular Session

Mizell

Proposed law authorizes a credit against La. income tax for qualified donations made to organizations defined by proposed law as eligible maternal wellness centers. Provides that the credit shall be in an amount equal to 50% of the taxpayer's donation to an eligible maternal wellness center and shall be taken for the taxable year in which the donation is made. Limits the total credit taken by a taxpayer during any taxable year to 50% of the taxpayer's tax liability.

Proposed law limits the amount of credits granted pursuant to proposed law in any calendar year to \$5,000,000.

Proposed law provides for granting of credits on a first-come, first-served basis, with no more than 20% of the total tax credits available allocated for contributions to a single maternal wellness center.

Proposed law prohibits credits for donations made to maternal wellness centers before Jan. 1, 2025, or after Dec. 31, 2030.

Proposed law requires the La. Department of Health (LDH) to establish and maintain a voluntary registry of maternal wellness centers. Provides that the purpose of the registry is to function as a single database of eligible maternal wellness centers located in La. Requires LDH to publish the registry on its website.

Proposed law stipulates that LDH shall have no regulatory authority over registered eligible maternal wellness centers.

Proposed law prohibits LDH from including on the registry any organization involved in, or associated with counseling for, or referrals to, abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising.

Proposed law requires each organization seeking to be included in the registry to provide to LDH an affidavit, signed by an officer of the organization under penalty of perjury, affirming that the organization meets applicable criteria established in proposed law. Requires each such organization to notify LDH of any changes that may affect its eligibility under proposed law.

Proposed law requires LDH to review each affidavit it receives pursuant to proposed law and determine whether the applicant organization meets the criteria to be included in the registry. Requires LDH to send notice of its determination to the applicant organization and to the secretary of the Dept. of Revenue (DOR).

Proposed law requires registered, eligible maternal wellness centers to complete and provide to LDH a form no later than Feb. 1 annually in order to verify that they continue to meet eligibility criteria provided in proposed law.

Proposed law provides for the recapture of tax credits in cases in which DOR finds that a taxpayer has knowingly obtained credits in violation of proposed law.

Proposed law requires DOR to promulgate administrative rules for administration of the tax credit provided for in proposed law. Specifies that such rules are subject to oversight by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

Proposed law authorizes LDH to promulgate rules as necessary for implementation of proposed law. Specifies that such rules are subject to oversight by the legislative committees on health and welfare.

Proposed law applies to income taxable periods beginning after the effective date of proposed law or Jan. 1, 2025, whichever is later.

Effective on the effective date of an Act of the legislature containing a specific appropriation of monies for the implementation of the administration of proposed law.

(Adds R.S. 47:6111-6116)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Decreases the total tax credits available for allocation to a single maternal wellness center from 50% to 5%.
2. Clarifies provisions for the recapture of credits by the DOR.
3. Applicable to taxable periods on or after January 1, 2024.
4. Makes technical amendments.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Increases the amount of the credit from 5% to 50% of the donation.
2. Increases the total tax credits available for allocation to a single maternal wellness center from 5% to 20%.
3. Clarifies the definition of an eligible maternal wellness center.
4. Requires LDH to create a registration form for eligible maternal wellness centers and formulate a list of registered eligible maternal wellness centers.
5. Clarifies that LDH has no regulatory authority over registered eligible maternal wellness centers and is not required to verify the eligibility of an eligible maternal wellness center.
6. Requires LDH to post a link on its website that contains an overview of available resources for mothers.
7. Removes provisions providing for registry criteria, requiring affidavits, and requiring LDH to review and determine whether an organization meets the criteria to be included in the registry.
8. Removes the requirement that LDH adopt rules to provide for the application process and the maternal wellness center registry criteria and instead authorizes LDH to promulgate rules necessary for the implementation of proposed law.
9. Changes the applicability date from on or after January 1, 2024 to on or after January 1, 2025.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the reengrossed bill:

1. Add peer or professional counseling as services that maternal wellness centers shall provide in order to be deemed "eligible maternal wellness centers" in accordance with proposed law.
2. Specify that the means by which eligible maternal wellness centers address material needs shall be through direct assistance and referrals.
3. Change the maximum amount of credits allowed by proposed law that a taxpayer may take during any taxable year from \$5,000 to 50% of the taxpayer's tax liability.
4. Revise proposed law providing for duties and responsibilities of the La. Department of Health (LDH) with respect to establishment and maintenance of a registry of maternal wellness centers.
5. Revise proposed law providing for duties and responsibilities of organizations that seek to be included in the registry of maternal wellness centers to be established and maintained by LDH.
6. Stipulate that a taxpayer must knowingly obtain a tax credit in violation of proposed law in order to be subject to penalties provided for in proposed law.
7. Revise proposed law relative to applicability to provide that proposed law shall apply to income taxable periods beginning after the effective date of proposed law or Jan. 1, 2025, whichever is later.
8. Provide that, proposed law shall become effective on the effective date of an Act of the legislature containing a specific appropriation of monies for implementation of the administration of proposed law.
9. Make technical changes.