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HOUSE BILL NO. 100

Offered January 12, 2022

Prefiled January 6, 2022

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13, relating to tax credit for parents of stillborn child.*

Patron—Head

Committee Referral Pending**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13 as follows:

§ 58.1-339.13. Tax credit for parents of stillborn child.

A. For taxable years beginning on and after January 1, 2022, but before January 1, 2027, an individual or married persons filing a joint return shall be allowed a refundable credit against the tax levied pursuant to § 58.1-320 equal to \$2,000 for each birth for which a certificate of birth resulting in stillbirth has been issued pursuant to § 32.1-258.1. The credit may be claimed only in the taxable year in which the stillbirth occurred and if the child would have become a dependent of the taxpayer as defined in 26 U.S.C § 152 of the Internal Revenue Code. For any taxable year in which married persons file separate Virginia income tax returns, the credit provided under this section shall be allowed against the tax liability for only one of such two tax returns.

B. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess shall be refunded by the Tax Commissioner to such taxpayer. The refundable portion of the credit provided pursuant to subsection A shall be claimed on the Virginia income tax return and redeemed by the Tax Commissioner from an appropriation from the general fund.

INTRODUCED

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