

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3358

By: Strom

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5
6 AS INTRODUCED

7 An Act relating to public health; creating the
8 Janie's Gift Act; defining terms; providing for
9 payment of funeral expenses by the State Department
10 of Health; directing the State Department of Health
11 to promulgate rules; establishing the Janie's Gift
12 Revolving Fund; providing for codification; and
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2219.1 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Janie's Gift
19 Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2219.2 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 A. As used in the Janie's Gift Act:
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1 1. "Anatomical gift" means a donation of all or part of a human
2 body to take effect after the donor's death for the purpose of
3 transplantation, therapy, research, or education; and

4 2. "Donor" means an individual whose body or part is the
5 subject of an anatomical gift.

6 B. The State Department of Health shall pay the cremation and
7 associated costs for conveyance of the remains to a family member or
8 responsible party of the donor with funds from the Janie's Gift
9 Revolving Fund if:

10 1. A donor elects to make an anatomical gift pursuant to
11 Section 2200.5A of Title 63 of the Oklahoma Statutes;

12 2. Upon death, the anatomical gift was successful;

13 3. The donor does not have sufficient property or means to pay
14 for funeral expenses; and

15 4. Application is made by a surviving family member or
16 responsible party of the donor.

17 C. The State Department of Health shall promulgate rules to
18 implement the provisions of this section to include the development
19 and maintenance of an application for the payment of funeral
20 expenses on the Department's website.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2219.3 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Each individual taxpayer required to file a state income tax
2 return who desires to contribute to the Janie's Gift Revolving Fund,
3 as created in Section 4 of this act, may designate the contribution
4 on the appropriate income tax form. The contribution shall not
5 increase or decrease the income or liability of the taxpayer and may
6 be made by reducing the income tax refund of a taxpayer by the
7 amount designated or by accepting additional payment from the
8 taxpayer by the amount designated, whichever is appropriate.

9 B. 1. The Oklahoma Tax Commission shall include on each state
10 individual income tax return form for tax years beginning after
11 December 31, 2021, an opportunity for the taxpayer to donate for the
12 benefit of the Janie's Gift Revolving Fund. The instructions
13 accompanying the income tax form shall be provided to the Oklahoma
14 Tax Commission by the State Department of Health and shall contain a
15 description of the purpose for which the Janie's Gift Revolving Fund
16 was established and information on the use of monies from the income
17 tax contribution.

18 2. Taxpayers who are entitled to refunds shall have the refunds
19 reduced by the amount designated by the taxpayer. The Oklahoma Tax
20 Commission shall annually determine the total amount designated plus
21 the amount received in excess payments and shall report the total
22 amount to the Office of the State Treasurer. The State Treasurer
23 shall credit the total amount to the Janie's Gift Revolving Fund
24 created in Section 4 of this act at the earliest possible time.

1 C. The incremental cost of administration of contributions
2 shall be paid out of the fund to the Oklahoma Tax Commission from
3 amounts received pursuant to this section before funds are expended
4 for the purposes of the fund.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2219.4 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. There is hereby created in the State Treasury a revolving
9 fund for the State Department of Health to be designated the
10 "Janie's Gift Revolving Fund". The fund shall be a continuing fund,
11 not subject to fiscal year limitations, and shall consist of all
12 monies received by the State Department of Health from:

13 1. All state monies appropriated for the purpose of
14 implementing the provisions of the Janie's Gift Act;

15 2. A one-time transfer of Fifty Thousand Dollars (\$50,000.00)
16 from the Unclaimed Property Fund if approved by the Legislature
17 pursuant to an appropriation; and

18 3. All monies collected by the Tax Commission through donations
19 pursuant to Section 3 of this act.

20 B. All monies accruing to the credit of said fund are hereby
21 appropriated and may be budgeted and expended by the State
22 Department of Health for the purpose of administering the Janie's
23 Gift Act. Expenditures from said fund shall be made upon warrants
24 issued by the State Treasurer against claims filed as prescribed by

1 law with the Director of the Office of Management and Enterprise
2 Services for approval and payment.

3 SECTION 5. This act shall become effective November 1, 2020.

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