

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3438

By: Osburn

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5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; providing
8 income tax credit for adoption expenses; defining
9 terms; specifying amount of credit; providing credit
10 not to be used to reduce tax liability to less than
11 specified amount; providing for carryover;
12 providing income tax credit for prepartum and
13 postpartum counseling; defining terms; specifying
14 amount of credit; providing credit not to be used to
15 reduce tax liability to less than specified amount;
16 providing for carryover; providing for codification;
17 and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2357.121 of Title 68, unless
there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Child" means any person who has not attained the age of
eighteen (18) as of the date the adoption is completed;

2. "Eligible adoption expenses" includes fees and costs paid to
an attorney for legal advice and services performed in connection

1 with the adoption of a child, payments to an adoption agency,
2 payments to a nonprofit organization authorized pursuant to its
3 articles of organization and tax exempt purposes to engage in
4 assisting with adoptions, medical expenses, including but not
5 limited to examinations of the person or persons seeking to adopt a
6 child or children or medical expenses for examination of the child
7 or children, or any other expense reasonably related to the process
8 for preparing to adopt a child or children or the expenses incurred
9 through the date the adoption of the child or children is legally
10 complete.

11 B. For taxable years beginning on or after January 1, 2023,
12 there shall be allowed as a credit against the tax imposed pursuant
13 to Section 2355 of Title 68 of the Oklahoma Statutes equal to the
14 cost for eligible adoption expenses.

15 C. The credit authorized by the provisions of this section
16 shall not be used to reduce the income tax liability to less than
17 zero (0).

18 D. To the extent not used, credit authorized by this section
19 may be carried over, in order, to each of the five (5) succeeding
20 taxable years.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 235.122 of Title 68, unless
23 there is created a duplication in numbering, reads as follows:

24 A. As used in this section:

1 1. "Prepartum" means the period of time beginning with
2 pregnancy and ending with either the birth of a child or children, a
3 miscarriage or still birth;

4 2. "Postpartum" means the period of time, not to exceed one (1)
5 year, following the birth of a child or children; and

6 3. "Counseling" means professional services provided by a
7 psychiatrist, psychologist, licensed clinical social worker or other
8 person holding a certificate or license issued by the State of
9 Oklahoma or another jurisdiction authorizing the person to provide
10 similar services related to prepartum and postpartum periods.

11 B. For taxable years beginning on or after January 1, 2023,
12 there shall be allowed as a credit against the tax imposed pursuant
13 to Section 2355 of Title 68 of the Oklahoma Statutes for the cost of
14 prepartum and postpartum counseling.

15 C. The credit authorized by the provisions of this section
16 shall not be used to reduce the income tax liability to less than
17 zero (0).

18 D. To the extent not used, credit authorized by this section
19 may be carried over, in order, to each of the five (5) succeeding
20 taxable years.

21 SECTION 3. This act shall become effective November 1, 2022.

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