

By: Representative Barnett (92nd)

To: Ways and Means

HOUSE BILL NO. 1538

1 AN ACT TO PROVIDE AN INCOME TAX CREDIT TO INDIVIDUAL
2 NONBUSINESS TAXPAYERS WHO PAY PREMIUMS FOR LONG-TERM CARE SERVICE
3 INSURANCE COVERAGE; TO LIMIT THE AMOUNT OF SUCH TAX CREDIT; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) As used in this act, the following words
7 shall have the meanings ascribed herein unless the context clearly
8 requires otherwise:

9 (a) "Chronically ill individual" means any individual
10 who has been certified by a licensed health care practitioner
11 within the last twelve (12) months as:

12 (i) Being unable to perform, without substantial
13 assistance from another individual, at least two (2) activities of
14 daily living (eating, toileting, transferring, bathing, dressing
15 or continence) for a period of at least ninety (90) days due to a
16 loss of functional capacity;

17 (ii) Having a level of disability similar to the
18 level of disability described in subparagraph (i); or

19 (iii) Requiring substantial supervision to protect
20 such individual from threats to health and safety due to severe
21 cognitive impairment.

22 (b) "Licensed health care practitioner" means any
23 physician, registered nurse or licensed social worker.

24 (c) "Long-term care service" means necessary
25 diagnostic, preventive, therapeutic, curing, treating, mitigating,
26 and rehabilitative services, and maintenance or personal care
27 services, which are required by a chronically ill individual, and

28 are provided pursuant to a plan of care prescribed by a licensed
29 health care practitioner.

30 (2) For any individual nonbusiness taxpayer paying premiums
31 for long-term care service insurance coverage for the taxpayer or
32 the taxpayer's spouse, parent, stepparent or child, a credit
33 against the taxes imposed under this chapter shall be allowed in
34 the amount provided in this section. The amount of the credit
35 provided in this section shall not exceed the lesser of One
36 Hundred Dollars (\$100.00) or the amount of income tax imposed upon
37 the taxpayer for the taxable year reduced by the sum of all other
38 credits allowable to such taxpayer under the state income tax
39 laws, except credit for tax payments made by or on behalf of the
40 taxpayer.

41 SECTION 2. Section 1 of this act shall be codified as a
42 separate Code section in Chapter 7, Title 27, Mississippi Code of
43 1972.

44 SECTION 3. Nothing in this act shall affect or defeat any
45 claim, assessment, appeal, suit, right or cause of action for
46 taxes due or accrued under the income tax laws before the date on
47 which this act becomes effective, whether such claims,
48 assessments, appeals, suits or actions have been begun before the
49 date on which this act becomes effective or are begun thereafter;
50 and the provisions of the income tax laws are expressly continued
51 in full force, effect and operation for the purpose of the
52 assessment, collection and enrollment of liens for any taxes due
53 or accrued and the execution of any warrant under such laws before
54 the date on which this act becomes effective, and for the
55 imposition of any penalties, forfeitures or claims for failure to
56 comply with such laws.

57 SECTION 4. This act shall take effect and be in force from
58 and after January 1, 2000.