

House Bill 1515

By: Representatives Golick of the 34th, Knox of the 24th, Meadows of the 5th, Maxwell of the 17th, Cheokas of the 134th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
2 income taxes, so as to provide that the taxable net income of any taxpayer of this state shall
3 not include premiums paid for certain health plans; to provide for conditions and limitations;
4 to change certain definitions; to provide for related matters; to provide an effective date; to
5 provide for applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,
9 is amended by revising paragraph (13.1) of subsection (a) of Code Section 48-7-27, relating
10 to computation of taxable net income, as follows:

11 "(13.1) An amount equal to 100 percent of the premium paid by the taxpayer during the
12 taxable year for ~~high deductible~~ health benefit plans ~~as defined by Section 223 of the~~
13 ~~Internal Revenue Code, except for those plans excluded under paragraph (1.1) of Code~~
14 Section 33-1-2, to the extent the deduction has not been included in federal adjusted gross
15 income, as defined under the Internal Revenue Code of 1986, and the expenses have not
16 been provided from a health reimbursement arrangement and have not been included in
17 itemized nonbusiness deductions;"

18 **SECTION 2.**

19 Said chapter is further amended by revising subsection (a) of Code Section 48-7-29.13,
20 relating to tax credit for qualified health insurance expenses, as follows:

21 "(a) As used in this Code section, the term:

22 (1) 'Qualified health insurance' means a ~~high deductible~~ health benefit plan, ~~as defined~~
23 ~~by Section 223 of the Internal Revenue Code~~ except for those plans excluded under
24 paragraph (1.1) of Code Section 33-1-2.

25 (2) 'Qualified health insurance expense' means the expenditure of funds of at least
26 \$250.00 annually for health insurance premiums for qualified health insurance.

27 (3) 'Taxpayer' means an employer who employs directly, or who pays compensation to
28 individuals whose compensation is reported on Form 1099, 50 or fewer persons and for
29 whom the taxpayer provides ~~high deductible~~ qualified health insurance plans as defined
30 ~~by Section 223 of the Internal Revenue Code~~ and in which such employees are enrolled."

31 **SECTION 3.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
33 without such approval and shall be applicable to all taxable years beginning on and after
34 January 1, 2010.

35 **SECTION 4.**

36 All laws and parts of laws in conflict with this Act are repealed.