HOUSE BILL 836

BY: Delegates Howard, Arikan, Beitzel, Buckel, Carey, Chisholm, Ciliberti, Corderman, Malone, McComas, McKay, Parrott, Rose, Saab, and Wilson

Introduced and read first time: February 8, 2019
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Income Tax – Credit for Long-Term Care Premiums

FOR the purpose of altering a certain limitation on a certain credit against the State income tax for certain long-term care insurance premiums paid by a taxpayer; altering the amount a taxpayer may claim as a credit for certain long-term care insurance purchased after a certain date; providing for the application of this Act; and generally relating to a certain income tax credit for eligible long-term care premiums.

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 10–718
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Tax – General

10–718.

(a) In this section, “eligible long-term care premiums” means eligible long-term care premiums within the meaning of § 213(d)(10) of the Internal Revenue Code for a long-term care insurance contract covering an individual who is a Maryland resident.

(b) [An individual] A TAXPAYER may claim a credit against the State income tax in an amount equal to 100% of the eligible long-term care premiums paid by the [individual] TAXPAYER during the taxable year for long-term care insurance covering the [individual] TAXPAYER or the [individual’s] TAXPAYER’S spouse, parent, stepparent,
child, or stepchild.

(c) The credit allowed under this section:

(1) [may not exceed $500 for] WITH RESPECT TO each insured

INDIVIDUAL covered by long–term care insurance for which the [individual] TAXPAYER

pays the premiums, MAY NOT EXCEED:

(I) $250 FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER

31, 2019, BUT BEFORE JANUARY 1, 2022; AND

(II) $500 FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER

31, 2021;

(2) may not be claimed by more than one taxpayer with respect to the same

insured individual IN THE SAME TAXABLE YEAR; and

(3) may not be claimed with respect to an insured individual if:

(i) the insured individual was covered by long–term care insurance

at any time before [July 1, 2000] JANUARY 1, 2020; [or] AND

(ii) the credit has been claimed with respect to that insured

individual by any taxpayer for any [prior] taxable year BEGINNING BEFORE JANUARY 1,

2020.

(d) (1) The total amount of the credit allowed under this section for any taxable

year may not exceed the State income tax for that taxable year, calculated before

application of the credits under this section and §§ 10–701 and 10–701.1 of this subtitle,

but after application of the other credits allowable under this subtitle.

(2) The unused amount of the credit for any taxable year may not be carried

over to any other taxable year.

(e) The credit allowed under this section does not affect the treatment under this

title of any deduction or exclusion allowed for federal income tax purposes for the eligible

long–term care premiums paid by the individual.

(f) On or before December 1, 2005 and each December 1 thereafter, the

Comptroller shall report to the Governor and, subject to § 2–1246 of the State Government

Article, to the General Assembly, regarding the credit allowed under this section, including:

(1) the number of individuals who have claimed the credit, the amount

allowed as credits, and the additional number of individuals covered by long–term care

insurance as a result of the credit; and
(2) the savings under the State’s Medical Assistance Program as a result of additional individuals being covered by long-term care insurance as a result of the credit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019, and shall be applicable to all taxable years beginning after December 31, 2018.