

FIRST REGULAR SESSION

# HOUSE BILL NO. 1376

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHMIDT.

2911H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To amend chapters 135 and 453, RSMo, by adding thereto two new sections relating to adoption.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 135 and 453, RSMo, are amended by adding thereto two new sections, to be known as sections 135.315 and 453.650, to read as follows:

**135.315. 1. This section and section 453.650 shall be known and may be cited as the "Zero-Cost Adoption Fund Act".**

**2. As used in this section, the following terms mean:**

**(1) "Fund", the zero-cost adoption fund established under section 453.650;**

**(2) "Qualified taxpayer", any individual, firm, partner in a firm, corporation, shareholder in an S corporation, or other entity doing business in this state, subject to the state income tax imposed under chapter 143, excluding the withholding tax imposed under sections 143.191 to 143.265, who makes a qualifying contribution to the fund;**

**(3) "Qualifying contribution", a donation of cash, including, but not limited to, checks drawn on a banking institution located in the continental United States in U.S. dollars, other cashier checks, or third-party checks exceeding ten thousand dollars; money orders; payroll deductions; and electronic fund transfers, for the purpose of claiming a tax credit under this section. This term shall not include stocks, bonds, other marketable securities, or property;**

**(4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and chapter 153.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17           **3. For all tax years beginning on or after January 1, 2026, a qualified taxpayer**  
18 **shall be allowed to claim a tax credit against the qualified taxpayer's state tax liability in**  
19 **an amount equal to one hundred percent of the qualified taxpayer's qualifying**  
20 **contribution to the fund made during the tax year for which the credit is claimed.**

21           **4. The amount of the tax credit claimed shall not exceed fifty percent of the**  
22 **qualified taxpayer's state tax liability for the tax year for which the credit is claimed.**  
23 **The state treasurer shall certify the tax credit amount to the qualified taxpayer. A**  
24 **qualified taxpayer may carry the credit forward to any of such taxpayer's four**  
25 **subsequent tax years. All tax credits authorized under this section shall not be**  
26 **transferred, sold, assigned, or otherwise conveyed, and are not refundable.**

27           **5. (1) The cumulative amount of tax credits that may be allocated to all qualified**  
28 **taxpayers in the first year of the program shall not exceed twenty-five million dollars.**  
29 **Such amount shall be annually adjusted by the department for inflation based on the**  
30 **consumer Price Index for All Urban Consumers for the Midwest Region, as defined and**  
31 **officially recorded by the United States Department of Labor or its successor, and such**  
32 **annual increase shall cease when the cumulative amount of tax credits that may be**  
33 **allocated to all qualified taxpayers per calendar year reaches seventy-five million**  
34 **dollars.**

35           **(2) The department shall establish a procedure by which, from the beginning of**  
36 **the calendar year until August first, the cumulative amount of tax credits that may be**  
37 **allocated under the program shall be allowed on a first-come, first-served basis among**  
38 **all qualified taxpayers.**

39           **(3) If a qualified taxpayer fails to use all, or some percentage to be determined**  
40 **by the department, of the taxpayer's allocated tax credits during this period, the**  
41 **department may reallocate these unused tax credits to those qualified taxpayers that**  
42 **have used all, or some percentage to be determined by the department, of the taxpayers'**  
43 **allocated tax credits during this period. The department may establish more than one**  
44 **period and reallocate more than once during each calendar year.**

45           **(4) The department shall establish the procedure described in this subsection in**  
46 **such a manner as to ensure that qualified taxpayers can claim all the tax credits possible**  
47 **up to the cumulative amount of tax credits available for the calendar year.**

48           **6. The state treasurer shall provide a standardized format for a receipt to be**  
49 **issued to a qualified taxpayer to indicate the value of a qualifying contribution received.**  
50 **The department of revenue shall require a qualified taxpayer to provide a copy of this**  
51 **receipt if claiming the tax credit authorized by this section.**

52           **7. The state treasurer and the department of revenue shall promulgate all**  
53 **necessary rules and regulations for the administration of this section including, but not**

54 limited to, rules relating to the verification of a taxpayer's qualifying contribution. Any  
55 rule or portion of a rule, as that term is defined in section 536.010, that is created under  
56 the authority delegated in this section shall become effective only if it complies with and  
57 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
58 section and chapter 536 are nonseverable and if any of the powers vested with the  
59 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
60 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
61 rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be  
62 invalid and void.

63 8. Under section 23.253 of the Missouri sunset act:

64 (1) The provisions of the new program authorized under this section shall  
65 automatically sunset on December thirty-first, six years after the effective date of this  
66 section unless reauthorized by an act of the general assembly;

67 (2) If such program is reauthorized, the program authorized under this section  
68 shall automatically sunset on December thirty-first, twelve years after the effective date  
69 of the reauthorization of this section;

70 (3) This section shall terminate on September first of the calendar year  
71 immediately following the calendar year in which the program authorized under this  
72 section is sunset; and

73 (4) Nothing in this subsection shall prevent a taxpayer from claiming a tax credit  
74 properly issued before this program was sunset in a tax year after the program is sunset.

453.650. 1. There is hereby created in the state treasury the "Zero-Cost  
2 Adoption Fund", which shall consist of moneys appropriated by the general assembly  
3 and any gifts, bequests, and donations. The state treasurer shall be custodian of the  
4 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve  
5 disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in  
6 this fund shall be used solely as provided in subsection 4 of this section. The fund shall  
7 be administered by the department of social services.

8 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
9 remaining in the fund at the end of the biennium shall not revert to the credit of the  
10 general revenue fund.

11 3. The state treasurer shall invest moneys in the fund in the same manner as  
12 other funds are invested. Any interest and moneys earned on such investments shall be  
13 credited to the fund.

14 4. Moneys in the fund shall be used, in order of descending priority, to:

15 (1) Assist a resident of this state in paying for nonrecurring adoption expenses,  
16 as defined in section 135.326, for each child adopted;

17           **(2) Provide postadoption assistance, including reimbursement of adoption costs**  
18 **paid in advance, counseling services, and other care that may be required;**

19           **(3) Promote adoption and recruit potential adoptive families; and**

20           **(4) Support community-based intervention methods to prevent children from**  
21 **entering into foster care.**

22           **5. In accordance with subsection 4 of this section, moneys in the fund may be**  
23 **used for either public or private adoptions; however, priority shall be given to adoptions**  
24 **with children in foster care.**

25           **6. The department of social services may promulgate all necessary rules and**  
26 **regulations for the administration of this section. Any rule or portion of a rule, as that**  
27 **term is defined in section 536.010, that is created under the authority delegated in this**  
28 **section shall become effective only if it complies with and is subject to all of the**  
29 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
30 **536 are nonseverable and if any of the powers vested with the general assembly**  
31 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
32 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
33 **and any rule proposed or adopted after August 28, 2025, shall be invalid and void.**

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