

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 443**

**Representative Koehler**

**Cosponsors: Representatives Stoltzfus, Seitz, Riedel, White, Johnson, Fowler  
Arthur, Hoops**

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**A BILL**

To amend sections 5725.98, 5726.98, 5729.98, 1  
5747.98, and 5751.98 and to enact sections 2  
5725.36, 5726.58, 5727.242, 5727.301, 5729.19, 3  
5736.51, 5747.77, and 5751.55 of the Revised 4  
Code to authorize a refundable tax credit for a 5  
portion of employer group health plan premiums. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 5725.98, 5726.98, 5729.98, 7  
5747.98, and 5751.98 be amended and sections 5725.36, 5726.58, 8  
5727.242, 5727.301, 5729.19, 5736.51, 5747.77, and 5751.55 of 9  
the Revised Code be enacted to read as follows: 10

**Sec. 5725.36.** (A) As used in this section: 11

(1) "Health benefit plan," "basic health care services," 12  
and "resident" have the same meanings as in section 5751.55 of 13  
the Revised Code. 14

(2) "Taxpayer" means a domestic insurance company subject 15  
to the tax imposed under section 5725.18 of the Revised Code. 16

(B) There is allowed a refundable credit against the tax imposed by section 5725.18 of the Revised Code for a taxpayer that purchases a group health benefit plan that provides coverage for basic health care services to one or more of the taxpayer's employees who are residents. The credit shall equal one and three-tenths per cent of the portion of the premiums paid by the taxpayer during the calendar year to purchase such a plan for the taxpayer's employees who are residents. No person shall claim the credit authorized by this section based on coverage provided through a program of self-insurance.

The credit shall be claimed in the order required under section 5725.98 of the Revised Code. If the credit amount exceeds the tax otherwise due under section 5725.18 of the Revised Code after deducting all other credits in that order, the excess shall be refunded to the taxpayer.

No credit shall be allowed under this section on the basis of group health benefit plan premiums if those premiums are the basis of a credit claimed under section 5726.58, 5727.242, 5727.301, 5729.19, 5736.51, 5747.77, or 5751.55 of the Revised Code.

**Sec. 5725.98.** (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;

The credit for eligible employee training costs under section 5725.31 of the Revised Code;

The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;	46 47
The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	48 49
The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	50 51
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5725.35 of the Revised Code;	52 53 54
The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	55 56 57
The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code;	58 59
The refundable credit for Ohio job retention under former division (B) (2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	60 61 62 63 64
The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	65 66
The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	67 68 69
<u>The refundable credit for employer health benefit plan premiums under section 5725.36 of the Revised Code.</u>	70 71
(B) For any credit except the refundable credits	72

enumerated in this section, the amount of the credit for a 73  
taxable year shall not exceed the tax due after allowing for any 74  
other credit that precedes it in the order required under this 75  
section. Any excess amount of a particular credit may be carried 76  
forward if authorized under the section creating that credit. 77  
Nothing in this chapter shall be construed to allow a taxpayer 78  
to claim, directly or indirectly, a credit more than once for a 79  
taxable year. 80

Sec. 5726.58. (A) As used in this section, "health benefit 81  
plan," "basic health care services," and "resident" have the 82  
same meanings as in section 5751.55 of the Revised Code. 83

(B) There is allowed a refundable credit against the tax 84  
imposed by section 5726.02 of the Revised Code for a taxpayer 85  
that purchases a group health benefit plan that provides 86  
coverage for basic health care services to one or more of the 87  
taxpayer's employees who are residents. The credit shall equal 88  
one and three-tenths per cent of the portion of the premiums 89  
paid by the taxpayer during the taxable year to purchase such a 90  
plan for the taxpayer's employees who are residents. No person 91  
shall claim the credit authorized by this section based on 92  
coverage provided through a program of self-insurance. 93

The credit shall be claimed in the order required under 94  
section 5726.98 of the Revised Code. If the credit amount 95  
exceeds the tax otherwise due under section 5726.02 of the 96  
Revised Code after deducting all other credits in that order, 97  
the excess shall be refunded to the taxpayer. 98

No credit shall be allowed under this section on the basis 99  
of group health benefit plan premiums if those premiums are the 100  
basis of a credit claimed under section 5725.36, 5727.242, 101  
5727.301, 5729.19, 5736.51, 5747.77, or 5751.55 of the Revised 102

<u>Code.</u>	103
<b>Sec. 5726.98.</b> (A) To provide a uniform procedure for	104
calculating the amount of tax due under section 5726.02 of the	105
Revised Code, a taxpayer shall claim any credits to which the	106
taxpayer is entitled under this chapter in the following order:	107
The nonrefundable job retention credit under division (B)	108
of section 5726.50 of the Revised Code;	109
The nonrefundable credit for purchases of qualified low-	110
income community investments under section 5726.54 of the	111
Revised Code;	112
The nonrefundable credit for qualified research expenses	113
under section 5726.56 of the Revised Code;	114
The nonrefundable credit for qualifying dealer in	115
intangibles taxes under section 5726.57 of the Revised Code;	116
The refundable credit for rehabilitating an historic	117
building under section 5726.52 of the Revised Code;	118
The refundable job retention or job creation credit under	119
division (A) of section 5726.50 of the Revised Code;	120
The refundable credit under section 5726.53 of the Revised	121
Code for losses on loans made under the Ohio venture capital	122
program under sections 150.01 to 150.10 of the Revised Code;	123
The refundable motion picture and Broadway theatrical	124
production credit under section 5726.55 of the Revised Code;	125
<u>The refundable credit for employer health benefit plan</u>	126
<u>premiums under section 5726.58 of the Revised Code.</u>	127
(B) For any credit except the refundable credits	128
enumerated in this section, the amount of the credit for a	129

taxable year shall not exceed the tax due after allowing for any 130  
other credit that precedes it in the order required under this 131  
section. Any excess amount of a particular credit may be carried 132  
forward if authorized under the section creating that credit. 133  
Nothing in this chapter shall be construed to allow a taxpayer 134  
to claim, directly or indirectly, a credit more than once for a 135  
taxable year. 136

Sec. 5727.242. (A) As used in this section: 137

(1) "Health benefit plan," "basic health care services," 138  
and "resident" have the same meanings as in section 5751.55 of 139  
the Revised Code. 140

(2) "Taxpayer" means a person subject to the tax imposed 141  
by section 5727.24 of the Revised Code. 142

(B) There is hereby allowed a refundable credit against 143  
the tax imposed by section 5727.24 of the Revised Code for a 144  
taxpayer that purchases a group health benefit plan that 145  
provides coverage for basic health care services to one or more 146  
of the taxpayer's employees who are residents. The credit shall 147  
equal one and three-tenths per cent of the portion of the 148  
premiums paid by the taxpayer during the calendar quarter or 149  
calendar year, as applicable, to purchase such a plan for the 150  
taxpayer's employees who are residents. No person shall claim 151  
the credit authorized by this section based on coverage provided 152  
through a program of self-insurance. 153

The taxpayer shall claim the credit after the credit 154  
authorized in sections 5727.241 and 5727.291 of the Revised 155  
Code. Any credit amount in excess of the taxpayer's tax 156  
liability shall be refunded to the taxpayer. 157

No credit shall be allowed under this section on the basis 158

of group health benefit plan premiums if those premiums are the 159  
basis of a credit claimed under section 5725.36, 5726.58, 160  
5727.301, 5729.19, 5736.51, 5747.77, or 5751.55 of the Revised 161  
Code. 162

**Sec. 5727.301.** (A) As used in this section: 163

(1) "Health benefit plan," "basic health care services," 164  
and "resident" have the same meanings as in section 5751.55 of 165  
the Revised Code. 166

(2) "Taxpayer" means a person subject to the tax imposed 167  
by section 5727.30 of the Revised Code. 168

(B) There is hereby allowed a refundable credit against 169  
the tax imposed by section 5727.30 of the Revised Code for a 170  
taxpayer that purchases a group health benefit plan that 171  
provides coverage for basic health care services to one or more 172  
of the taxpayer's employees who are residents. The credit shall 173  
equal one and three-tenths per cent of the portion of the 174  
premiums paid by the taxpayer during the calendar year to 175  
purchase such a plan for the taxpayer's employees who are 176  
residents. No person shall claim the credit authorized by this 177  
section based on coverage provided through a program of self- 178  
insurance. 179

The taxpayer shall claim the credit after the credit 180  
authorized in section 5727.29 of the Revised Code. Any credit 181  
amount in excess of the taxpayer's tax liability shall be 182  
refunded to the taxpayer. 183

No credit shall be allowed under this section on the basis 184  
of group health benefit plan premiums if those premiums are the 185  
basis of a credit claimed under section 5725.36, 5726.58, 186  
5727.242, 5729.19, 5736.51, 5747.77, or 5751.55 of the Revised 187

<u>Code.</u>	188
<u>Sec. 5729.19. (A) As used in this section:</u>	189
<u>(1) "Health benefit plan," "basic health care services,"</u>	190
<u>and "resident" have the same meanings as in section 5751.55 of</u>	191
<u>the Revised Code.</u>	192
<u>(2) "Taxpayer" means a foreign insurance company subject</u>	193
<u>to the tax imposed by section 5729.03 of the Revised Code.</u>	194
<u>(B) There is allowed a refundable credit against the tax</u>	195
<u>imposed by section 5729.03 of the Revised Code for a taxpayer</u>	196
<u>that purchases a group health benefit plan that provides</u>	197
<u>coverage for basic health care services to one or more of the</u>	198
<u>taxpayer's employees who are residents. The credit shall equal</u>	199
<u>one and three-tenths per cent of the portion of the premiums</u>	200
<u>paid by the taxpayer during the calendar year to purchase such a</u>	201
<u>plan for the taxpayer's employees who are residents. No person</u>	202
<u>shall claim the credit authorized by this section based on</u>	203
<u>coverage provided through a program of self-insurance.</u>	204
<u>The credit shall be claimed in the order required under</u>	205
<u>section 5729.98 of the Revised Code. If the credit amount</u>	206
<u>exceeds the tax otherwise due under section 5729.03 of the</u>	207
<u>Revised Code after deducting all other credits in that order,</u>	208
<u>the excess shall be refunded to the taxpayer.</u>	209
<u>No credit shall be allowed under this section on the basis</u>	210
<u>of group health benefit plan premiums if those premiums are the</u>	211
<u>basis of a credit claimed under section 5725.36, 5726.58,</u>	212
<u>5727.242, 5727.301, 5736.51, 5747.77, or 5751.55 of the Revised</u>	213
<u>Code.</u>	214
<u>Sec. 5729.98. (A) To provide a uniform procedure for</u>	215
<u>calculating the amount of tax due under this chapter, a taxpayer</u>	216



shall claim any credits and offsets against tax liability to	217
which it is entitled in the following order:	218
The credit for an insurance company or insurance company	219
group under section 5729.031 of the Revised Code;	220
The credit for eligible employee training costs under	221
section 5729.07 of the Revised Code;	222
The credit for purchases of qualified low-income community	223
investments under section 5729.16 of the Revised Code;	224
The nonrefundable job retention credit under division (B)	225
of section 122.171 of the Revised Code;	226
The nonrefundable credit for investments in rural business	227
growth funds under section 122.152 of the Revised Code;	228
The nonrefundable credit for contributing capital to a	229
transformational mixed use development project under section	230
5729.18 of the Revised Code;	231
The offset of assessments by the Ohio life and health	232
insurance guaranty association against tax liability permitted	233
by section 3956.20 of the Revised Code;	234
The refundable credit for rehabilitating a historic	235
building under section 5729.17 of the Revised Code;	236
The refundable credit for Ohio job retention under former	237
division (B) (2) or (3) of section 122.171 of the Revised Code as	238
those divisions existed before September 29, 2015, the effective	239
date of the amendment of this section by H.B. 64 of the 131st	240
general assembly;	241
The refundable credit for Ohio job creation under section	242
5729.032 of the Revised Code;	243

The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for employer health benefit plan premiums under section 5729.19 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5736.51. (A) As used in this section, "health benefit plan," "basic health care services," and "resident" have the same meanings as in section 5751.55 of the Revised Code.

(B) There is allowed a refundable credit against the tax imposed by this chapter for a taxpayer that purchases a group health benefit plan that provides coverage for basic health care services to one or more of the taxpayer's employees who are residents. The credit shall equal one and three-tenths per cent of the portion of the premiums paid by the taxpayer during the tax period to purchase such a plan for the taxpayer's employees who are residents. No person shall claim the credit authorized by this section based on coverage provided through a program of self-insurance.

The taxpayer shall claim the credit after any credits allowed under section 5736.50 of the Revised Code. Any credit

amount in excess of the taxpayer's tax liability shall be 273  
refunded to the taxpayer. 274

No credit shall be allowed under this section on the basis 275  
of group health benefit plan premiums if those premiums are the 276  
basis of a credit claimed under section 5725.36, 5726.58, 277  
5727.242, 5727.301, 5729.19, 5747.77, or 5751.55 of the Revised 278  
Code. 279

**Sec. 5747.77.** (A) As used in this section, "health benefit 280  
plan" and "basic health care services" have the same meanings as 281  
in section 5751.55 of the Revised Code. 282

(B) There is allowed a refundable credit against the 283  
taxpayer's aggregate tax liability under section 5747.02 of the 284  
Revised Code for a taxpayer that purchases a group health 285  
benefit plan that provides coverage for basic health care 286  
services to one or more of the taxpayer's employees who are 287  
residents. The credit shall equal one and three-tenths per cent 288  
of the portion of the premiums paid by the taxpayer during the 289  
taxable year to purchase such a plan for the taxpayer's 290  
employees who are residents. No person shall claim the credit 291  
authorized by this section based on coverage provided through a 292  
program of self-insurance. 293

The credit shall be claimed in the order required under 294  
section 5747.98 of the Revised Code. If the credit amount 295  
exceeds the tax otherwise due under section 5747.02 of the 296  
Revised Code after deducting all other credits in that order, 297  
the excess shall be refunded to the taxpayer. Nothing in this 298  
section limits or disallows pass-through treatment of the 299  
credit. 300

No credit shall be allowed under this section on the basis 301

of group health benefit plan premiums if those premiums are the 302  
basis of a credit claimed under section 5725.36, 5726.58, 303  
5727.242, 5727.301, 5729.19, 5736.51, or 5751.55 of the Revised 304  
Code. 305

**Sec. 5747.98.** (A) To provide a uniform procedure for 306  
calculating a taxpayer's aggregate tax liability under section 307  
5747.02 of the Revised Code, a taxpayer shall claim any credits 308  
to which the taxpayer is entitled in the following order: 309

Either the retirement income credit under division (B) of 310  
section 5747.055 of the Revised Code or the lump sum retirement 311  
income credits under divisions (C), (D), and (E) of that 312  
section; 313

Either the senior citizen credit under division (F) of 314  
section 5747.055 of the Revised Code or the lump sum 315  
distribution credit under division (G) of that section; 316

The dependent care credit under section 5747.054 of the 317  
Revised Code; 318

The credit for displaced workers who pay for job training 319  
under section 5747.27 of the Revised Code; 320

The campaign contribution credit under section 5747.29 of 321  
the Revised Code; 322

The twenty-dollar personal exemption credit under section 323  
5747.022 of the Revised Code; 324

The joint filing credit under division (G) of section 325  
5747.05 of the Revised Code; 326

The earned income credit under section 5747.71 of the 327  
Revised Code; 328

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	329 330
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	331 332 333
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	334 335 336
The credit for adoption of a minor child under section 5747.37 of the Revised Code;	337 338
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	339 340
The enterprise zone credit under section 5709.66 of the Revised Code;	341 342
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	343 344
The small business investment credit under section 5747.81 of the Revised Code;	345 346
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	347 348
The opportunity zone investment credit under section 122.84 of the Revised Code;	349 350
The enterprise zone credits under section 5709.65 of the Revised Code;	351 352
The research and development credit under section 5747.331 of the Revised Code;	353 354
The credit for rehabilitating a historic building under	355

section 5747.76 of the Revised Code;	356
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	357 358
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	359 360
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	361 362
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	363 364 365
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	366 367
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	368 369 370
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	371 372 373
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	374 375
<u>The refundable credit for employer health benefit plan premiums under section 5747.77 of the Revised Code.</u>	376 377
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised	378 379 380 381 382

Code, after allowing for any other credit that precedes it in 383  
the order required under this section. Any excess amount of a 384  
particular credit may be carried forward if authorized under the 385  
section creating that credit. Nothing in this chapter shall be 386  
construed to allow a taxpayer to claim, directly or indirectly, 387  
a credit more than once for a taxable year. 388

Sec. 5751.55. (A) As used in this section, "health benefit 389  
plan" has the same meaning as in section 3922.01 of the Revised 390  
Code, "basic health care services" has the same meaning as in 391  
section 1751.01 of the Revised Code, and "resident" has the same 392  
meaning as in section 5747.01 of the Revised Code. 393

(B) There is allowed a refundable credit against the tax 394  
imposed by section 5751.02 of the Revised Code for a taxpayer 395  
that purchases a group health benefit plan that provides 396  
coverage for basic health care services to one or more of the 397  
taxpayer's employees who are residents. The credit shall equal 398  
one and three-tenths per cent of the portion of the premiums 399  
paid by the taxpayer during the tax period to purchase such a 400  
plan for the taxpayer's employees who are residents. No person 401  
shall claim the credit authorized by this section based on 402  
coverage provided through a program of self-insurance. 403

The credit shall be claimed in the order required under 404  
section 5751.98 of the Revised Code. If the credit amount 405  
exceeds the tax otherwise due under section 5751.02 of the 406  
Revised Code after deducting all other credits in that order, 407  
the excess shall be refunded to the taxpayer. 408

A person that is not required to register with the tax 409  
commissioner under section 5751.04 of the Revised Code and pay 410  
the tax under this chapter may not claim the credit authorized 411  
by this section. 412

(C) No credit shall be allowed under this section on the 413  
basis of group health benefit plan premiums if those premiums 414  
are the basis of a credit claimed under section 5725.36, 415  
5726.58, 5727.242, 5727.301, 5729.19, 5736.51, or 5747.77 of the 416  
Revised Code. 417

**Sec. 5751.98.** (A) To provide a uniform procedure for 418  
calculating the amount of tax due under this chapter, a taxpayer 419  
shall claim any credits to which it is entitled in the following 420  
order: 421

The nonrefundable jobs retention credit under division (B) 422  
of section 5751.50 of the Revised Code; 423

The nonrefundable credit for qualified research expenses 424  
under division (B) of section 5751.51 of the Revised Code; 425

The nonrefundable credit for a borrower's qualified 426  
research and development loan payments under division (B) of 427  
section 5751.52 of the Revised Code; 428

The nonrefundable credit for calendar years 2010 to 2029 429  
for unused net operating losses under division (B) of section 430  
5751.53 of the Revised Code; 431

The refundable motion picture and Broadway theatrical 432  
production credit under section 5751.54 of the Revised Code; 433

The refundable jobs creation credit or job retention 434  
credit under division (A) of section 5751.50 of the Revised 435  
Code; 436

The refundable credit for calendar year 2030 for unused 437  
net operating losses under division (C) of section 5751.53 of 438  
the Revised Code; 439

The refundable credit for employer health benefit plan 440



premiums under section 5751.55 of the Revised Code. 441

(B) For any credit except the refundable credits 442  
enumerated in this section, the amount of the credit for a tax 443  
period shall not exceed the tax due after allowing for any other 444  
credit that precedes it in the order required under this 445  
section. Any excess amount of a particular credit may be carried 446  
forward if authorized under the section creating the credit. 447

**Section 2.** That existing sections 5725.98, 5726.98, 448  
5729.98, 5747.98, and 5751.98 of the Revised Code are hereby 449  
repealed. 450

**Section 3.** The enactment by this act of sections 5725.36, 451  
5726.58, 5727.242, 5727.301, 5729.19, 5736.51, 5747.77, and 452  
5751.55 of the Revised Code applies to premiums paid on and 453  
after the effective date of this section by an employer for a 454  
group health benefit plan that provides coverage for basic 455  
health care services, as those terms are defined in section 456  
5751.55 of the Revised Code, as enacted by this act. 457

**Section 4.** The General Assembly, applying the principle 458  
stated in division (B) of section 1.52 of the Revised Code that 459  
amendments are to be harmonized if reasonably capable of 460  
simultaneous operation, finds that the following sections, 461  
presented in this act as composites of the sections as amended 462  
by the acts indicated, are the resulting versions of the 463  
sections in effect prior to the effective date of the sections 464  
as presented in this act: 465

Section 5725.98 of the Revised Code as amended by H.B. 197 466  
and S.B. 39 both of the 133rd General Assembly. 467

Section 5729.98 of the Revised Code as amended by H.B. 197 468  
and S.B. 39 both of the 133rd General Assembly. 469