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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 279

To amend sections 5747.08 and 5747.98 and to enact
section 5747.053 of the Revised Code to
authorize a nonrefundable income tax credit for
family caregiving expenses.

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

Section 1. That sections 5747.08 and 5747.98 be amended
and section 5747.053 of the Revised Code be enacted to read as
follows:

Sec. 5747.053. (A) As used in this section:

(1) "Activity of daily living" means any of the following:

(a) Ambulating, which is the extent of an individual's
ability to move from one position to another and walk
independently;

(b) Feeding, which is the ability of an individual to feed
oneself;

(c) Dressing, which is the ability to select appropriate
clothes and to put the clothes on without aid;

(d) Personal hygiene, which is the ability to bathe and

<u>groom oneself and maintain dental hygiene and nail and hair</u>	18
<u>care;</u>	19
<u>(e) Contenance, which is the ability to control bladder</u>	20
<u>and bowel function;</u>	21
<u>(f) Toileting, which is the ability to get to and from the</u>	22
<u>toilet without aid, using it appropriately, and cleaning</u>	23
<u>oneself.</u>	24
<u>(2) "Eligible family member" means an individual that</u>	25
<u>meets all of the following requirements:</u>	26
<u>(a) The individual is at least fifty years of age on the</u>	27
<u>last day of the taxable year.</u>	28
<u>(b) The individual possesses documentation from a licensed</u>	29
<u>health care provider certifying that the individual requires</u>	30
<u>assistance with at least two activities of daily living.</u>	31
<u>(c) The individual is the spouse, parent, dependent, or</u>	32
<u>domestic partner of the family caregiver or is otherwise related</u>	33
<u>by blood or marriage to the caregiver.</u>	34
<u>(d) The individual lives in a private residential home and</u>	35
<u>not in an assisted living center, nursing facility, or</u>	36
<u>residential care home.</u>	37
<u>(3) "Family caregiver" means an individual, or individuals</u>	38
<u>in the case of a joint return, who is a resident of this state</u>	39
<u>and who meets all of the following requirements:</u>	40
<u>(a) The individual's or sum of the individuals' adjusted</u>	41
<u>gross income, exclusive of interest, dividends and</u>	42
<u>distributions, royalties, rent, and capital gains, is not less</u>	43
<u>than seven thousand five hundred dollars.</u>	44

<u>(b) The modified adjusted gross income is as follows:</u>	45
<u>(i) For spouses filing a joint return, not more than</u>	46
<u>ninety-four thousand dollars;</u>	47
<u>(ii) For a spouse filing a separate return, not more than</u>	48
<u>fifty-six thousand five hundred dollars;</u>	49
<u>(iii) For all other taxpayers, not more than sixty-nine</u>	50
<u>thousand dollars.</u>	51
<u>(c) The individual incurs not less than five hundred</u>	52
<u>dollars of eligible expenses to provide care for one or more</u>	53
<u>eligible family members during the taxable year.</u>	54
<u>(4) "Eligible expenses" means any of the following out-of-</u>	55
<u>pocket expenses that have not been reimbursed, credited, paid,</u>	56
<u>or otherwise covered by another individual, organization,</u>	57
<u>provider, or government entity and that are directly related to</u>	58
<u>assisting the family caregiver to provide care to an eligible</u>	59
<u>family member:</u>	60
<u>(a) Expenses incurred to improve or alter a family</u>	61
<u>caregiver's or eligible family member's primary residence as</u>	62
<u>necessary to allow the eligible family member to remain mobile,</u>	63
<u>safe, and independent;</u>	64
<u>(b) Expenses incurred to improve or alter the family</u>	65
<u>caregiver's or eligible family member's primary motor vehicle to</u>	66
<u>improve accessibility or permit the eligible family member to be</u>	67
<u>transported safely;</u>	68
<u>(c) The purchase or lease of equipment that is necessary</u>	69
<u>to assist an eligible family member in performing one or more</u>	70
<u>activities of daily living;</u>	71
<u>(d) Other expenses incurred to assist the family caregiver</u>	72

to provide care to an eligible family member, including expenses 73
for respite care, adult day care, hiring a home care aide or 74
other direct care worker, transportation, legal and financial 75
services, health care equipment, or assistive technology 76
necessary for the care of the eligible family member. 77

"Eligible expenses" does not include general household 78
maintenance expenses, such as expenses related to painting, 79
plumbing, electrical repairs, or exterior maintenance. 80

(5) "Licensed health care professional" means any of the 81
following: 82

(a) A physician authorized under Chapter 4731. of the 83
Revised Code to practice medicine or osteopathic medicine; 84

(b) A registered nurse, advanced practice registered 85
nurse, or licensed practical nurse licensed under Chapter 4723. 86
of the Revised Code; 87

(c) A physician assistant licensed under Chapter 4730. of 88
the Revised Code. 89

(B) A family caregiver who incurs eligible expenses to 90
provide care for an eligible family member may submit an 91
application, prescribed by the tax commissioner, to the 92
commissioner by the fifteenth day of January, beginning in 2027, 93
for expenses incurred in the preceding calendar year for a 94
nonrefundable credit against a taxpayer's aggregate tax 95
liability under section 5747.02 of the Revised Code. 96

The commissioner shall evaluate applications in the order 97
in which they are received and issue a determination. If the 98
commissioner denies an application, the determination shall 99
state the reason for the denial. If the commissioner approves an 100
application, the determination shall include a certificate 101

listing the amount of credit that the applicant may claim. 102

The commissioner shall not approve applications that would 103
result in more than three million dollars in credits being 104
claimed under this section in a fiscal year. The amount of the 105
credit shall equal thirty per cent of the eligible expenses 106
incurred by the caregiver during the taxable year, provided that 107
the credit allowed to a caregiver for any taxable year shall not 108
exceed two thousand dollars. 109

The credit shall be claimed for the taxable year ending in 110
the calendar year in which the expenses were made and in the 111
order required under section 5747.98 of the Revised Code. If the 112
amount of the credit exceeds the aggregate amount of tax 113
otherwise due under section 5747.02 of the Revised Code after 114
deducting any other credits that precede the credit allowed 115
under this section in that order, the excess may be carried 116
forward for the following taxable years, but the amount claimed 117
in each year shall be deducted from the amount that may be 118
claimed in the following year. 119

(C) If two or more family caregivers incur eligible 120
expenses to provide care for an eligible family member during a 121
taxable year, both are eligible to claim the credit allowed 122
under this section, provided that no two caregivers may claim 123
the credit on the basis of the same eligible expenses. 124

(D) The tax commissioner shall adopt any rules necessary 125
to administer this section. 126

Sec. 5747.08. An annual return with respect to the tax 127
imposed by section 5747.02 of the Revised Code and each tax 128
imposed under Chapter 5748. of the Revised Code shall be made by 129
every taxpayer for any taxable year for which the taxpayer is 130

liable for the tax imposed by that section or under that 131
chapter, unless the total credits allowed under division (E) of 132
section 5747.05 and divisions (F) and (G) of section 5747.055 of 133
the Revised Code for the year are equal to or exceed the tax 134
imposed by section 5747.02 of the Revised Code, in which case no 135
return shall be required unless the taxpayer is liable for a tax 136
imposed pursuant to Chapter 5748. of the Revised Code. 137

(A) If an individual is deceased, any return or notice 138
required of that individual under this chapter shall be made and 139
filed by that decedent's executor, administrator, or other 140
person charged with the property of that decedent. 141

(B) If an individual is unable to make a return or notice 142
required by this chapter, the return or notice required of that 143
individual shall be made and filed by the individual's duly 144
authorized agent, guardian, conservator, fiduciary, or other 145
person charged with the care of the person or property of that 146
individual. 147

(C) Returns or notices required of an estate or a trust 148
shall be made and filed by the fiduciary of the estate or trust. 149

(D) (1) (a) Except as otherwise provided in division (D) (1) 150
(b) of this section, any pass-through entity may file a single 151
return on behalf of one or more of the entity's investors other 152
than an investor that is a person subject to the tax imposed 153
under section 5733.06 of the Revised Code. The single return 154
shall set forth the name, address, and social security number or 155
other identifying number of each of those pass-through entity 156
investors and shall indicate the distributive share of each of 157
those pass-through entity investor's income taxable in this 158
state in accordance with sections 5747.20 to 5747.231 of the 159
Revised Code. Such pass-through entity investors for whom the 160

pass-through entity elects to file a single return are not 161
entitled to the exemption or credit provided for by sections 162
5747.02 and 5747.022 of the Revised Code; shall calculate the 163
tax before business credits at the highest rate of tax set forth 164
in section 5747.02 of the Revised Code for the taxable year for 165
which the return is filed; and are entitled to only their 166
distributive share of the business credits as defined in 167
division (D) (2) of this section. A single check drawn by the 168
pass-through entity shall accompany the return in full payment 169
of the tax due, as shown on the single return, for such 170
investors, other than investors who are persons subject to the 171
tax imposed under section 5733.06 of the Revised Code. 172

(b) (i) A pass-through entity shall not include in such a 173
single return any investor that is a trust to the extent that 174
any direct or indirect current, future, or contingent 175
beneficiary of the trust is a person subject to the tax imposed 176
under section 5733.06 of the Revised Code. 177

(ii) A pass-through entity shall not include in such a 178
single return any investor that is itself a pass-through entity 179
to the extent that any direct or indirect investor in the second 180
pass-through entity is a person subject to the tax imposed under 181
section 5733.06 of the Revised Code. 182

(c) Except as provided by division (L) of this section, 183
nothing in division (D) of this section precludes the tax 184
commissioner from requiring such investors to file the return 185
and make the payment of taxes and related interest, penalty, and 186
interest penalty required by this section or section 5747.02, 187
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 188
of this section precludes such an investor from filing the 189
annual return under this section, utilizing the refundable 190

credit equal to the investor's proportionate share of the tax 191
paid by the pass-through entity on behalf of the investor under 192
division (I) of this section, and making the payment of taxes 193
imposed under section 5747.02 of the Revised Code. Nothing in 194
division (D) of this section shall be construed to provide to 195
such an investor or pass-through entity any additional deduction 196
or credit, other than the credit provided by division (I) of 197
this section, solely on account of the entity's filing a return 198
in accordance with this section. Such a pass-through entity also 199
shall make the filing and payment of estimated taxes on behalf 200
of the pass-through entity investors other than an investor that 201
is a person subject to the tax imposed under section 5733.06 of 202
the Revised Code. 203

(2) For the purposes of this section, "business credits" 204
means the credits listed in section 5747.98 of the Revised Code 205
excluding the following credits: 206

(a) The retirement income credit under division (B) of 207
section 5747.055 of the Revised Code; 208

(b) The senior citizen credit under division (F) of 209
section 5747.055 of the Revised Code; 210

(c) The lump sum distribution credit under division (G) of 211
section 5747.055 of the Revised Code; 212

(d) The dependent care credit under section 5747.054 of 213
the Revised Code; 214

(e) The lump sum retirement income credit under division 215
(C) of section 5747.055 of the Revised Code; 216

(f) The lump sum retirement income credit under division 217
(D) of section 5747.055 of the Revised Code; 218

(g) The lump sum retirement income credit under division	219
(E) of section 5747.055 of the Revised Code;	220
(h) The credit for displaced workers who pay for job	221
training under section 5747.27 of the Revised Code;	222
(i) The twenty-dollar personal exemption credit under	223
section 5747.022 of the Revised Code;	224
(j) The joint filing credit under division (E) of section	225
5747.05 of the Revised Code;	226
(k) The nonresident credit under division (A) of section	227
5747.05 of the Revised Code;	228
(l) The credit for a resident's out-of-state income under	229
division (B) of section 5747.05 of the Revised Code;	230
(m) The earned income tax credit under section 5747.71 of	231
the Revised Code;	232
(n) The lead abatement credit under section 5747.26 of the	233
Revised Code;	234
(o) The credit for education expenses under section	235
5747.72 of the Revised Code;	236
(p) The credit for tuition paid to a nonchartered	237
nonpublic school under section 5747.75 of the Revised Code;	238
<u>(q) The credit for family caregivers under section</u>	239
<u>5747.053 of the Revised Code.</u>	240
(3) The election provided for under division (D) of this	241
section applies only to the taxable year for which the election	242
is made by the pass-through entity. Unless the tax commissioner	243
provides otherwise, this election, once made, is binding and	244
irrevocable for the taxable year for which the election is made.	245

Nothing in this division shall be construed to provide for any 246
deduction or credit that would not be allowable if a nonresident 247
pass-through entity investor were to file an annual return. 248

(4) If a pass-through entity makes the election provided 249
for under division (D) of this section, the pass-through entity 250
shall be liable for any additional taxes, interest, interest 251
penalty, or penalties imposed by this chapter if the tax 252
commissioner finds that the single return does not reflect the 253
correct tax due by the pass-through entity investors covered by 254
that return. Nothing in this division shall be construed to 255
limit or alter the liability, if any, imposed on pass-through 256
entity investors for unpaid or underpaid taxes, interest, 257
interest penalty, or penalties as a result of the pass-through 258
entity's making the election provided for under division (D) of 259
this section. For the purposes of division (D) of this section, 260
"correct tax due" means the tax that would have been paid by the 261
pass-through entity had the single return been filed in a manner 262
reflecting the commissioner's findings. Nothing in division (D) 263
of this section shall be construed to make or hold a pass- 264
through entity liable for tax attributable to a pass-through 265
entity investor's income from a source other than the pass- 266
through entity electing to file the single return. 267

(E) If a husband and wife file a joint federal income tax 268
return for a taxable year, they shall file a joint return under 269
this section for that taxable year, and their liabilities are 270
joint and several, but, if the federal income tax liability of 271
either spouse is determined on a separate federal income tax 272
return, they shall file separate returns under this section. 273

If either spouse is not required to file a federal income 274
tax return and either or both are required to file a return 275

pursuant to this chapter, they may elect to file separate or 276
joint returns, and, pursuant to that election, their liabilities 277
are separate or joint and several. If a husband and wife file 278
separate returns pursuant to this chapter, each must claim the 279
taxpayer's own exemption, but not both, as authorized under 280
section 5747.02 of the Revised Code on the taxpayer's own 281
return. 282

(F) Each return or notice required to be filed under this 283
section shall contain the signature of the taxpayer or the 284
taxpayer's duly authorized agent and of the person who prepared 285
the return for the taxpayer, and shall include the taxpayer's 286
social security number. Each return shall be verified by a 287
declaration under the penalties of perjury. The tax commissioner 288
shall prescribe the form that the signature and declaration 289
shall take. 290

(G) Each return or notice required to be filed under this 291
section shall be made and filed as required by section 5747.04 292
of the Revised Code, on or before the fifteenth day of April of 293
each year, on forms that the tax commissioner shall prescribe, 294
together with remittance made payable to the treasurer of state 295
in the combined amount of the state and all school district 296
income taxes shown to be due on the form. 297

Upon good cause shown, the commissioner may extend the 298
period for filing any notice or return required to be filed 299
under this section and may adopt rules relating to extensions. 300
If the extension results in an extension of time for the payment 301
of any state or school district income tax liability with 302
respect to which the return is filed, the taxpayer shall pay at 303
the time the tax liability is paid an amount of interest 304
computed at the rate per annum prescribed by section 5703.47 of 305

the Revised Code on that liability from the time that payment is 306
due without extension to the time of actual payment. Except as 307
provided in section 5747.132 of the Revised Code, in addition to 308
all other interest charges and penalties, all taxes imposed 309
under this chapter or Chapter 5748. of the Revised Code and 310
remaining unpaid after they become due, except combined amounts 311
due of one dollar or less, bear interest at the rate per annum 312
prescribed by section 5703.47 of the Revised Code until paid or 313
until the day an assessment is issued under section 5747.13 of 314
the Revised Code, whichever occurs first. 315

If the commissioner considers it necessary in order to 316
ensure the payment of the tax imposed by section 5747.02 of the 317
Revised Code or any tax imposed under Chapter 5748. of the 318
Revised Code, the commissioner may require returns and payments 319
to be made otherwise than as provided in this section. 320

To the extent that any provision in this division 321
conflicts with any provision in section 5747.026 of the Revised 322
Code, the provision in that section prevails. 323

(H) The amounts withheld pursuant to section 5747.06, 324
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 325
Revised Code shall be allowed to the ultimate recipient of the 326
income as credits against payment of the appropriate taxes 327
imposed on the ultimate recipient by section 5747.02 and under 328
Chapter 5748. of the Revised Code. As used in this division, 329
"ultimate recipient" means the person who is required to report 330
income from which amounts are withheld pursuant to section 331
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 332
the Revised Code on the annual return required to be filed under 333
this section. 334

(I) If a pass-through entity elects to file a single 335

return under division (D) of this section and if any investor is 336
required to file the annual return and make the payment of taxes 337
required by this chapter on account of the investor's other 338
income that is not included in a single return filed by a pass- 339
through entity or any other investor elects to file the annual 340
return, the investor is entitled to a refundable credit equal to 341
the investor's proportionate share of the lesser of the tax due 342
or the tax paid by the pass-through entity on behalf of the 343
investor. The investor shall claim the credit for the investor's 344
taxable year in which or with which ends the taxable year of the 345
pass-through entity. Nothing in this chapter shall be construed 346
to allow any credit provided in this chapter to be claimed more 347
than once. For the purpose of computing any interest, penalty, 348
or interest penalty, the investor shall be deemed to have paid 349
the refundable credit provided by this division on the day that 350
the pass-through entity paid the estimated tax or the tax giving 351
rise to the credit. 352

(J) The tax commissioner shall ensure that each return 353
required to be filed under this section includes a box that the 354
taxpayer may check to authorize a paid tax preparer who prepared 355
the return to communicate with the department of taxation about 356
matters pertaining to the return. The return or instructions 357
accompanying the return shall indicate that by checking the box 358
the taxpayer authorizes the department of taxation to contact 359
the preparer concerning questions that arise during the 360
processing of the return and authorizes the preparer only to 361
provide the department with information that is missing from the 362
return, to contact the department for information about the 363
processing of the return or the status of the taxpayer's refund 364
or payments, and to respond to notices about mathematical 365
errors, offsets, or return preparation that the taxpayer has 366

received from the department and has shown to the preparer. 367

(K) The tax commissioner shall permit individual taxpayers 368
to instruct the department of taxation to cause any refund of 369
overpaid taxes to be deposited directly into a checking account, 370
savings account, or an individual retirement account or 371
individual retirement annuity, or preexisting college savings 372
plan or program account offered by the Ohio tuition trust 373
authority under Chapter 3334. of the Revised Code, as designated 374
by the taxpayer, when the taxpayer files the annual return 375
required by this section electronically. 376

(L) If, for the taxable year, a nonresident or trust that 377
is the owner of an electing pass-through entity, as defined in 378
section 5747.38 of the Revised Code, does not have Ohio adjusted 379
gross income or, in the case of a trust, modified Ohio taxable 380
income other than from one or more electing pass-through 381
entities, the nonresident or trust shall not be required to file 382
an annual return under this section. Nothing in this division 383
precludes such an owner from filing the annual return under this 384
section, utilizing the refundable credit under section 5747.39 385
of the Revised Code equal to the owner's proportionate share of 386
the tax levied under section 5747.38 of the Revised Code and 387
paid by the electing pass-through entity, and making the payment 388
of taxes imposed under section 5747.02 of the Revised Code. 389

(M) The tax commissioner may adopt rules to administer 390
this section. 391

Sec. 5747.98. (A) To provide a uniform procedure for 392
calculating a taxpayer's aggregate tax liability under section 393
5747.02 of the Revised Code, a taxpayer shall claim any credits 394
to which the taxpayer is entitled in the following order: 395

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;	396 397 398 399
Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;	400 401 402
The dependent care credit under section 5747.054 of the Revised Code;	403 404
The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	405 406
The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	407 408
The joint filing credit under division (E) of section 5747.05 of the Revised Code;	409 410
The earned income credit under section 5747.71 of the Revised Code;	411 412
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	413 414
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	415 416 417
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	418 419 420
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	421 422

The nonrefundable job retention credit under division (B)	423
of section 5747.058 of the Revised Code;	424
The enterprise zone credit under section 5709.66 of the	425
Revised Code;	426
The credit for beginning farmers who participate in a	427
financial management program under division (B) of section	428
5747.77 of the Revised Code;	429
The credit for commercial vehicle operator training	430
expenses under section 5747.82 of the Revised Code;	431
The nonrefundable welcome home Ohio (WHO) program credit	432
under section 122.633 of the Revised Code;	433
The nonrefundable credit for transformational mixed use	434
development tax credit certificate holders under section 5747.87	435
of the Revised Code;	436
The credit for selling or renting agricultural assets to	437
beginning farmers under division (A) of section 5747.77 of the	438
Revised Code;	439
The credit for purchases of qualifying grape production	440
property under section 5747.28 of the Revised Code;	441
The small business investment credit under section 5747.81	442
of the Revised Code;	443
The nonrefundable lead abatement credit under section	444
5747.26 of the Revised Code;	445
The opportunity zone investment credit under section	446
5747.86 of the Revised Code;	447
The enterprise zone credits under section 5709.65 of the	448
Revised Code;	449

The research and development credit under section 5747.331 of the Revised Code;	450 451
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	452 453
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	454 455
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	456 457
<u>The nonrefundable credit for family caregivers under section 5747.053 of the Revised Code;</u>	458 459
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	460 461
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	462 463
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	464 465
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	466 467 468
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	469 470
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	471 472 473
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;	474 475 476

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	477 478
The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.	479 480 481
(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 Code, 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.	482 483 484 485 486 487 488 489 490 491 492
Section 2. That existing sections 5747.08 and 5747.98 of the Revised Code are hereby repealed.	493 494