

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 279

Representatives Mathews, A., Williams

Cosponsors: Representatives Brennan, Salvo

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.

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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:

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

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

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

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

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

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(d) Personal hygiene, which is the ability to bathe and
groom oneself and maintain dental hygiene and nail and hair

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<u>care;</u>	19
<u>(e) Continence, 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 one thousand</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
<u>to provide care to an eligible family member, including expenses</u>	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 nonrefundable credit shall be allowed against a 90
taxpayer's aggregate tax liability under section 5747.02 of the 91
Revised Code for a family caregiver who incurs eligible expenses 92
to provide care for an eligible family member. The amount of the 93
credit shall equal thirty per cent of the eligible expenses 94
incurred by the caregiver during the taxable year, provided that 95
the credit allowed to a caregiver for any taxable year shall not 96
exceed two thousand dollars. 97

The credit shall be claimed in the order required under 98
section 5747.98 of the Revised Code. If the amount of the credit 99
exceeds the aggregate amount of tax otherwise due under section 100
5747.02 of the Revised Code after deducting any other credits 101
that precede the credit allowed under this section in that 102

order, the excess may be carried forward for the following 103
taxable years, but the amount claimed in each year shall be 104
deducted from the amount that may be claimed in the following 105
year. 106

(C) If two or more family caregivers incur eligible 107
expenses to provide care for an eligible family member during a 108
taxable year, both are eligible to claim the credit allowed 109
under this section, provided that no two caregivers may claim 110
the credit on the basis of the same eligible expenses. 111

(D) The tax commissioner shall adopt any rules necessary 112
to administer this section. 113

Sec. 5747.08. An annual return with respect to the tax 114
imposed by section 5747.02 of the Revised Code and each tax 115
imposed under Chapter 5748. of the Revised Code shall be made by 116
every taxpayer for any taxable year for which the taxpayer is 117
liable for the tax imposed by that section or under that 118
chapter, unless the total credits allowed under division (E) of 119
section 5747.05 and divisions (F) and (G) of section 5747.055 of 120
the Revised Code for the year are equal to or exceed the tax 121
imposed by section 5747.02 of the Revised Code, in which case no 122
return shall be required unless the taxpayer is liable for a tax 123
imposed pursuant to Chapter 5748. of the Revised Code. 124

(A) If an individual is deceased, any return or notice 125
required of that individual under this chapter shall be made and 126
filed by that decedent's executor, administrator, or other 127
person charged with the property of that decedent. 128

(B) If an individual is unable to make a return or notice 129
required by this chapter, the return or notice required of that 130
individual shall be made and filed by the individual's duly 131

authorized agent, guardian, conservator, fiduciary, or other 132
person charged with the care of the person or property of that 133
individual. 134

(C) Returns or notices required of an estate or a trust 135
shall be made and filed by the fiduciary of the estate or trust. 136

(D) (1) (a) Except as otherwise provided in division (D) (1) 137
(b) of this section, any pass-through entity may file a single 138
return on behalf of one or more of the entity's investors other 139
than an investor that is a person subject to the tax imposed 140
under section 5733.06 of the Revised Code. The single return 141
shall set forth the name, address, and social security number or 142
other identifying number of each of those pass-through entity 143
investors and shall indicate the distributive share of each of 144
those pass-through entity investor's income taxable in this 145
state in accordance with sections 5747.20 to 5747.231 of the 146
Revised Code. Such pass-through entity investors for whom the 147
pass-through entity elects to file a single return are not 148
entitled to the exemption or credit provided for by sections 149
5747.02 and 5747.022 of the Revised Code; shall calculate the 150
tax before business credits at the highest rate of tax set forth 151
in section 5747.02 of the Revised Code for the taxable year for 152
which the return is filed; and are entitled to only their 153
distributive share of the business credits as defined in 154
division (D) (2) of this section. A single check drawn by the 155
pass-through entity shall accompany the return in full payment 156
of the tax due, as shown on the single return, for such 157
investors, other than investors who are persons subject to the 158
tax imposed under section 5733.06 of the Revised Code. 159

(b) (i) A pass-through entity shall not include in such a 160
single return any investor that is a trust to the extent that 161

any direct or indirect current, future, or contingent 162
beneficiary of the trust is a person subject to the tax imposed 163
under section 5733.06 of the Revised Code. 164

(ii) A pass-through entity shall not include in such a 165
single return any investor that is itself a pass-through entity 166
to the extent that any direct or indirect investor in the second 167
pass-through entity is a person subject to the tax imposed under 168
section 5733.06 of the Revised Code. 169

(c) Except as provided by division (L) of this section, 170
nothing in division (D) of this section precludes the tax 171
commissioner from requiring such investors to file the return 172
and make the payment of taxes and related interest, penalty, and 173
interest penalty required by this section or section 5747.02, 174
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 175
of this section precludes such an investor from filing the 176
annual return under this section, utilizing the refundable 177
credit equal to the investor's proportionate share of the tax 178
paid by the pass-through entity on behalf of the investor under 179
division (I) of this section, and making the payment of taxes 180
imposed under section 5747.02 of the Revised Code. Nothing in 181
division (D) of this section shall be construed to provide to 182
such an investor or pass-through entity any additional deduction 183
or credit, other than the credit provided by division (I) of 184
this section, solely on account of the entity's filing a return 185
in accordance with this section. Such a pass-through entity also 186
shall make the filing and payment of estimated taxes on behalf 187
of the pass-through entity investors other than an investor that 188
is a person subject to the tax imposed under section 5733.06 of 189
the Revised Code. 190

(2) For the purposes of this section, "business credits" 191

means the credits listed in section 5747.98 of the Revised Code	192
excluding the following credits:	193
(a) The retirement income credit under division (B) of	194
section 5747.055 of the Revised Code;	195
(b) The senior citizen credit under division (F) of	196
section 5747.055 of the Revised Code;	197
(c) The lump sum distribution credit under division (G) of	198
section 5747.055 of the Revised Code;	199
(d) The dependent care credit under section 5747.054 of	200
the Revised Code;	201
(e) The lump sum retirement income credit under division	202
(C) of section 5747.055 of the Revised Code;	203
(f) The lump sum retirement income credit under division	204
(D) of section 5747.055 of the Revised Code;	205
(g) The lump sum retirement income credit under division	206
(E) of section 5747.055 of the Revised Code;	207
(h) The credit for displaced workers who pay for job	208
training under section 5747.27 of the Revised Code;	209
(i) The twenty-dollar personal exemption credit under	210
section 5747.022 of the Revised Code;	211
(j) The joint filing credit under division (E) of section	212
5747.05 of the Revised Code;	213
(k) The nonresident credit under division (A) of section	214
5747.05 of the Revised Code;	215
(l) The credit for a resident's out-of-state income under	216
division (B) of section 5747.05 of the Revised Code;	217

(m) The earned income tax credit under section 5747.71 of the Revised Code;	218 219
(n) The lead abatement credit under section 5747.26 of the Revised Code;	220 221
(o) The credit for education expenses under section 5747.72 of the Revised Code;	222 223
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	224 225
<u>(q) The credit for family caregivers under section 5747.053 of the Revised Code.</u>	226 227
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	228 229 230 231 232 233 234 235
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of	236 237 238 239 240 241 242 243 244 245 246

this section. For the purposes of division (D) of this section, 247
"correct tax due" means the tax that would have been paid by the 248
pass-through entity had the single return been filed in a manner 249
reflecting the commissioner's findings. Nothing in division (D) 250
of this section shall be construed to make or hold a pass- 251
through entity liable for tax attributable to a pass-through 252
entity investor's income from a source other than the pass- 253
through entity electing to file the single return. 254

(E) If a husband and wife file a joint federal income tax 255
return for a taxable year, they shall file a joint return under 256
this section for that taxable year, and their liabilities are 257
joint and several, but, if the federal income tax liability of 258
either spouse is determined on a separate federal income tax 259
return, they shall file separate returns under this section. 260

If either spouse is not required to file a federal income 261
tax return and either or both are required to file a return 262
pursuant to this chapter, they may elect to file separate or 263
joint returns, and, pursuant to that election, their liabilities 264
are separate or joint and several. If a husband and wife file 265
separate returns pursuant to this chapter, each must claim the 266
taxpayer's own exemption, but not both, as authorized under 267
section 5747.02 of the Revised Code on the taxpayer's own 268
return. 269

(F) Each return or notice required to be filed under this 270
section shall contain the signature of the taxpayer or the 271
taxpayer's duly authorized agent and of the person who prepared 272
the return for the taxpayer, and shall include the taxpayer's 273
social security number. Each return shall be verified by a 274
declaration under the penalties of perjury. The tax commissioner 275
shall prescribe the form that the signature and declaration 276

shall take. 277

(G) Each return or notice required to be filed under this 278
section shall be made and filed as required by section 5747.04 279
of the Revised Code, on or before the fifteenth day of April of 280
each year, on forms that the tax commissioner shall prescribe, 281
together with remittance made payable to the treasurer of state 282
in the combined amount of the state and all school district 283
income taxes shown to be due on the form. 284

Upon good cause shown, the commissioner may extend the 285
period for filing any notice or return required to be filed 286
under this section and may adopt rules relating to extensions. 287
If the extension results in an extension of time for the payment 288
of any state or school district income tax liability with 289
respect to which the return is filed, the taxpayer shall pay at 290
the time the tax liability is paid an amount of interest 291
computed at the rate per annum prescribed by section 5703.47 of 292
the Revised Code on that liability from the time that payment is 293
due without extension to the time of actual payment. Except as 294
provided in section 5747.132 of the Revised Code, in addition to 295
all other interest charges and penalties, all taxes imposed 296
under this chapter or Chapter 5748. of the Revised Code and 297
remaining unpaid after they become due, except combined amounts 298
due of one dollar or less, bear interest at the rate per annum 299
prescribed by section 5703.47 of the Revised Code until paid or 300
until the day an assessment is issued under section 5747.13 of 301
the Revised Code, whichever occurs first. 302

If the commissioner considers it necessary in order to 303
ensure the payment of the tax imposed by section 5747.02 of the 304
Revised Code or any tax imposed under Chapter 5748. of the 305
Revised Code, the commissioner may require returns and payments 306

to be made otherwise than as provided in this section. 307

To the extent that any provision in this division 308
conflicts with any provision in section 5747.026 of the Revised 309
Code, the provision in that section prevails. 310

(H) The amounts withheld pursuant to section 5747.06, 311
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 312
Revised Code shall be allowed to the ultimate recipient of the 313
income as credits against payment of the appropriate taxes 314
imposed on the ultimate recipient by section 5747.02 and under 315
Chapter 5748. of the Revised Code. As used in this division, 316
"ultimate recipient" means the person who is required to report 317
income from which amounts are withheld pursuant to section 318
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 319
the Revised Code on the annual return required to be filed under 320
this section. 321

(I) If a pass-through entity elects to file a single 322
return under division (D) of this section and if any investor is 323
required to file the annual return and make the payment of taxes 324
required by this chapter on account of the investor's other 325
income that is not included in a single return filed by a pass- 326
through entity or any other investor elects to file the annual 327
return, the investor is entitled to a refundable credit equal to 328
the investor's proportionate share of the tax paid by the pass- 329
through entity on behalf of the investor. The investor shall 330
claim the credit for the investor's taxable year in which or 331
with which ends the taxable year of the pass-through entity. 332
Nothing in this chapter shall be construed to allow any credit 333
provided in this chapter to be claimed more than once. For the 334
purpose of computing any interest, penalty, or interest penalty, 335
the investor shall be deemed to have paid the refundable credit 336

provided by this division on the day that the pass-through 337
entity paid the estimated tax or the tax giving rise to the 338
credit. 339

(J) The tax commissioner shall ensure that each return 340
required to be filed under this section includes a box that the 341
taxpayer may check to authorize a paid tax preparer who prepared 342
the return to communicate with the department of taxation about 343
matters pertaining to the return. The return or instructions 344
accompanying the return shall indicate that by checking the box 345
the taxpayer authorizes the department of taxation to contact 346
the preparer concerning questions that arise during the 347
processing of the return and authorizes the preparer only to 348
provide the department with information that is missing from the 349
return, to contact the department for information about the 350
processing of the return or the status of the taxpayer's refund 351
or payments, and to respond to notices about mathematical 352
errors, offsets, or return preparation that the taxpayer has 353
received from the department and has shown to the preparer. 354

(K) The tax commissioner shall permit individual taxpayers 355
to instruct the department of taxation to cause any refund of 356
overpaid taxes to be deposited directly into a checking account, 357
savings account, or an individual retirement account or 358
individual retirement annuity, or preexisting college savings 359
plan or program account offered by the Ohio tuition trust 360
authority under Chapter 3334. of the Revised Code, as designated 361
by the taxpayer, when the taxpayer files the annual return 362
required by this section electronically. 363

(L) If, for the taxable year, a nonresident or trust that 364
is the owner of an electing pass-through entity, as defined in 365
section 5747.38 of the Revised Code, does not have Ohio adjusted 366

gross income or, in the case of a trust, modified Ohio taxable 367
income other than from one or more electing pass-through 368
entities, the nonresident or trust shall not be required to file 369
an annual return under this section. Nothing in this division 370
precludes such an owner from filing the annual return under this 371
section, utilizing the refundable credit under section 5747.39 372
of the Revised Code equal to the owner's proportionate share of 373
the tax levied under section 5747.38 of the Revised Code and 374
paid by the electing pass-through entity, and making the payment 375
of taxes imposed under section 5747.02 of the Revised Code. 376

(M) The tax commissioner may adopt rules to administer 377
this section. 378

Sec. 5747.98. (A) To provide a uniform procedure for 379
calculating a taxpayer's aggregate tax liability under section 380
5747.02 of the Revised Code, a taxpayer shall claim any credits 381
to which the taxpayer is entitled in the following order: 382

Either the retirement income credit under division (B) of 383
section 5747.055 of the Revised Code or the lump sum retirement 384
income credits under divisions (C), (D), and (E) of that 385
section; 386

Either the senior citizen credit under division (F) of 387
section 5747.055 of the Revised Code or the lump sum 388
distribution credit under division (G) of that section; 389

The dependent care credit under section 5747.054 of the 390
Revised Code; 391

The credit for displaced workers who pay for job training 392
under section 5747.27 of the Revised Code; 393

The campaign contribution credit under section 5747.29 of 394
the Revised Code; 395

The twenty-dollar personal exemption credit under section	396
5747.022 of the Revised Code;	397
The joint filing credit under division (G) of section	398
5747.05 of the Revised Code;	399
The earned income credit under section 5747.71 of the	400
Revised Code;	401
The nonrefundable credit for education expenses under	402
section 5747.72 of the Revised Code;	403
The nonrefundable credit for donations to scholarship	404
granting organizations under section 5747.73 of the Revised	405
Code;	406
The nonrefundable credit for tuition paid to a	407
nonchartered nonpublic school under section 5747.75 of the	408
Revised Code;	409
The nonrefundable vocational job credit under section	410
5747.057 of the Revised Code;	411
The nonrefundable job retention credit under division (B)	412
of section 5747.058 of the Revised Code;	413
The enterprise zone credit under section 5709.66 of the	414
Revised Code;	415
The credit for beginning farmers who participate in a	416
financial management program under division (B) of section	417
5747.77 of the Revised Code;	418
The credit for commercial vehicle operator training	419
expenses under section 5747.82 of the Revised Code;	420
The nonrefundable welcome home Ohio (WHO) program credit	421
under section 122.633 of the Revised Code;	422

The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	423 424 425
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	426 427
The small business investment credit under section 5747.81 of the Revised Code;	428 429
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	430 431
The opportunity zone investment credit under section 5747.86 of the Revised Code;	432 433
The enterprise zone credits under section 5709.65 of the Revised Code;	434 435
The research and development credit under section 5747.331 of the Revised Code;	436 437
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	438 439
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	440 441
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	442 443
<u>The nonrefundable credit for family caregivers under section 5747.053 of the Revised Code;</u>	444 445
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	446 447
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	448 449

The refundable motion picture and Broadway theatrical
production credit under section 5747.66 of the Revised Code; 450 451

The refundable credit for film and theater capital
improvement projects under section 5747.67 of the Revised Code; 452 453

The refundable jobs creation credit or job retention
credit under division (A) of section 5747.058 of the Revised
Code; 454 455 456

The refundable credit for taxes paid by a qualifying
entity granted under section 5747.059 of the Revised Code; 457 458

The refundable credits for taxes paid by a qualifying
pass-through entity granted under division (I) of section
5747.08 of the Revised Code; 459 460 461

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; 462 463 464

The refundable credit for rehabilitating a historic
building under section 5747.76 of the Revised Code; 465 466

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. 467 468 469

(B) For any credit, except the refundable credits 470
enumerated in this section and the credit granted under division 471
(H) of section 5747.08 of the Revised Code, the amount of the 472
credit for a taxable year shall not exceed the taxpayer's 473
aggregate amount of tax due under section 5747.02 of the Revised 474
Code, after allowing for any other credit that precedes it in 475
the order required under this section. Any excess amount of a 476
particular credit may be carried forward if authorized under the 477

section creating that credit. Nothing in this chapter shall be 478
construed to allow a taxpayer to claim, directly or indirectly, 479
a credit more than once for a taxable year. 480

Section 2. That existing sections 5747.08 and 5747.98 of 481
the Revised Code are hereby repealed. 482

Section 3. The enactment by this act of section 5747.053 483
of the Revised Code applies to taxable years ending on or after 484
the effective date of this section. 485