

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 804**

**Representative Bryant Bailey**

**Cosponsors: Representatives Brent, Brownlee, Lett, Synenberg, Piccolantonio,  
Brennan, Upchurch, Thomas, C., Mohamed, Jarrells, Hall, D., Rader**

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To amend sections 5747.08 and 5747.98 and to enact 1  
section 5747.74 of the Revised Code to authorize 2  
a refundable income tax credit for certain child 3  
care expenses and to name this act the Childcare 4  
Tax Credit Act. 5

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

**Section 1.** That sections 5747.08 and 5747.98 be amended 6  
and section 5747.74 of the Revised Code be enacted to read as 7  
follows: 8

**Sec. 5747.08.** An annual return with respect to the tax 9  
imposed by section 5747.02 of the Revised Code and each tax 10  
imposed under Chapter 5748. of the Revised Code shall be made by 11  
every taxpayer for any taxable year for which the taxpayer is 12  
liable for the tax imposed by that section or under that 13  
chapter, unless the total credits allowed under division (E) of 14  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 15  
the Revised Code for the year are equal to or exceed the tax 16  
imposed by section 5747.02 of the Revised Code, in which case no 17  
return shall be required unless the taxpayer is liable for a tax 18  
imposed pursuant to Chapter 5748. of the Revised Code. 19

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

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

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

(D) (1) (a) Except as otherwise provided in division (D) (1) (b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in

division (D) (2) of this section. A single check drawn by the 50  
pass-through entity shall accompany the return in full payment 51  
of the tax due, as shown on the single return, for such 52  
investors, other than investors who are persons subject to the 53  
tax imposed under section 5733.06 of the Revised Code. 54

(b) (i) A pass-through entity shall not include in such a 55  
single return any investor that is a trust to the extent that 56  
any direct or indirect current, future, or contingent 57  
beneficiary of the trust is a person subject to the tax imposed 58  
under section 5733.06 of the Revised Code. 59

(ii) A pass-through entity shall not include in such a 60  
single return any investor that is itself a pass-through entity 61  
to the extent that any direct or indirect investor in the second 62  
pass-through entity is a person subject to the tax imposed under 63  
section 5733.06 of the Revised Code. 64

(c) Except as provided by division (L) of this section, 65  
nothing in division (D) of this section precludes the tax 66  
commissioner from requiring such investors to file the return 67  
and make the payment of taxes and related interest, penalty, and 68  
interest penalty required by this section or section 5747.02, 69  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 70  
of this section precludes such an investor from filing the 71  
annual return under this section, utilizing the refundable 72  
credit equal to the investor's proportionate share of the tax 73  
paid by the pass-through entity on behalf of the investor under 74  
division (I) of this section, and making the payment of taxes 75  
imposed under section 5747.02 of the Revised Code. Nothing in 76  
division (D) of this section shall be construed to provide to 77  
such an investor or pass-through entity any additional deduction 78  
or credit, other than the credit provided by division (I) of 79

this section, solely on account of the entity's filing a return 80  
in accordance with this section. Such a pass-through entity also 81  
shall make the filing and payment of estimated taxes on behalf 82  
of the pass-through entity investors other than an investor that 83  
is a person subject to the tax imposed under section 5733.06 of 84  
the Revised Code. 85

(2) For the purposes of this section, "business credits" 86  
means the credits listed in section 5747.98 of the Revised Code 87  
excluding the following credits: 88

(a) The retirement income credit under division (B) of 89  
section 5747.055 of the Revised Code; 90

(b) The senior citizen credit under division (F) of 91  
section 5747.055 of the Revised Code; 92

(c) The lump sum distribution credit under division (G) of 93  
section 5747.055 of the Revised Code; 94

(d) The dependent care credit under section 5747.054 of 95  
the Revised Code; 96

(e) The lump sum retirement income credit under division 97  
(C) of section 5747.055 of the Revised Code; 98

(f) The lump sum retirement income credit under division 99  
(D) of section 5747.055 of the Revised Code; 100

(g) The lump sum retirement income credit under division 101  
(E) of section 5747.055 of the Revised Code; 102

(h) The credit for displaced workers who pay for job 103  
training under section 5747.27 of the Revised Code; 104

(i) The twenty-dollar personal exemption credit under 105  
section 5747.022 of the Revised Code; 106

(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	107 108
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	109 110
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	111 112
(m) The earned income tax credit under section 5747.71 of the Revised Code;	113 114
(n) The lead abatement credit under section 5747.26 of the Revised Code;	115 116
(o) The credit for education expenses under section 5747.72 of the Revised Code;	117 118
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	119 120
<u>(q) The child care expense credit under section 5747.74 of the Revised Code.</u>	121 122
(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.	123 124 125 126 127 128 129 130
(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	131 132 133 134

commissioner finds that the single return does not reflect the 135  
correct tax due by the pass-through entity investors covered by 136  
that return. Nothing in this division shall be construed to 137  
limit or alter the liability, if any, imposed on pass-through 138  
entity investors for unpaid or underpaid taxes, interest, 139  
interest penalty, or penalties as a result of the pass-through 140  
entity's making the election provided for under division (D) of 141  
this section. For the purposes of division (D) of this section, 142  
"correct tax due" means the tax that would have been paid by the 143  
pass-through entity had the single return been filed in a manner 144  
reflecting the commissioner's findings. Nothing in division (D) 145  
of this section shall be construed to make or hold a pass- 146  
through entity liable for tax attributable to a pass-through 147  
entity investor's income from a source other than the pass- 148  
through entity electing to file the single return. 149

(E) If a husband and wife file a joint federal income tax 150  
return for a taxable year, they shall file a joint return under 151  
this section for that taxable year, and their liabilities are 152  
joint and several, but, if the federal income tax liability of 153  
either spouse is determined on a separate federal income tax 154  
return, they shall file separate returns under this section. 155

If either spouse is not required to file a federal income 156  
tax return and either or both are required to file a return 157  
pursuant to this chapter, they may elect to file separate or 158  
joint returns, and, pursuant to that election, their liabilities 159  
are separate or joint and several. If a husband and wife file 160  
separate returns pursuant to this chapter, each must claim the 161  
taxpayer's own exemption, but not both, as authorized under 162  
section 5747.02 of the Revised Code on the taxpayer's own 163  
return. 164

(F) Each return or notice required to be filed under this 165  
section shall contain the signature of the taxpayer or the 166  
taxpayer's duly authorized agent and of the person who prepared 167  
the return for the taxpayer, and shall include the taxpayer's 168  
social security number. Each return shall be verified by a 169  
declaration under the penalties of perjury. The tax commissioner 170  
shall prescribe the form that the signature and declaration 171  
shall take. 172

(G) Each return or notice required to be filed under this 173  
section shall be made and filed as required by section 5747.04 174  
of the Revised Code, on or before the fifteenth day of April of 175  
each year, on forms that the tax commissioner shall prescribe, 176  
together with remittance made payable to the treasurer of state 177  
in the combined amount of the state and all school district 178  
income taxes shown to be due on the form. 179

Upon good cause shown, the commissioner may extend the 180  
period for filing any notice or return required to be filed 181  
under this section and may adopt rules relating to extensions. 182  
If the extension results in an extension of time for the payment 183  
of any state or school district income tax liability with 184  
respect to which the return is filed, the taxpayer shall pay at 185  
the time the tax liability is paid an amount of interest 186  
computed at the rate per annum prescribed by section 5703.47 of 187  
the Revised Code on that liability from the time that payment is 188  
due without extension to the time of actual payment. Except as 189  
provided in section 5747.132 of the Revised Code, in addition to 190  
all other interest charges and penalties, all taxes imposed 191  
under this chapter or Chapter 5748. of the Revised Code and 192  
remaining unpaid after they become due, except combined amounts 193  
due of one dollar or less, bear interest at the rate per annum 194  
prescribed by section 5703.47 of the Revised Code until paid or 195

until the day an assessment is issued under section 5747.13 of 196  
the Revised Code, whichever occurs first. 197

If the commissioner considers it necessary in order to 198  
ensure the payment of the tax imposed by section 5747.02 of the 199  
Revised Code or any tax imposed under Chapter 5748. of the 200  
Revised Code, the commissioner may require returns and payments 201  
to be made otherwise than as provided in this section. 202

To the extent that any provision in this division 203  
conflicts with any provision in section 5747.026 of the Revised 204  
Code, the provision in that section prevails. 205

(H) The amounts withheld pursuant to section 5747.06, 206  
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 207  
Revised Code shall be allowed to the ultimate recipient of the 208  
income as credits against payment of the appropriate taxes 209  
imposed on the ultimate recipient by section 5747.02 and under 210  
Chapter 5748. of the Revised Code. As used in this division, 211  
"ultimate recipient" means the person who is required to report 212  
income from which amounts are withheld pursuant to section 213  
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 214  
the Revised Code on the annual return required to be filed under 215  
this section. 216

(I) If a pass-through entity elects to file a single 217  
return under division (D) of this section and if any investor is 218  
required to file the annual return and make the payment of taxes 219  
required by this chapter on account of the investor's other 220  
income that is not included in a single return filed by a pass- 221  
through entity or any other investor elects to file the annual 222  
return, the investor is entitled to a refundable credit equal to 223  
the investor's proportionate share of the lesser of the tax due 224  
or the tax paid by the pass-through entity on behalf of the 225

investor. The investor shall claim the credit for the investor's 226  
taxable year in which or with which ends the taxable year of the 227  
pass-through entity. Nothing in this chapter shall be construed 228  
to allow any credit provided in this chapter to be claimed more 229  
than once. For the purpose of computing any interest, penalty, 230  
or interest penalty, the investor shall be deemed to have paid 231  
the refundable credit provided by this division on the day that 232  
the pass-through entity paid the estimated tax or the tax giving 233  
rise to the credit. 234

(J) The tax commissioner shall ensure that each return 235  
required to be filed under this section includes a box that the 236  
taxpayer may check to authorize a paid tax preparer who prepared 237  
the return to communicate with the department of taxation about 238  
matters pertaining to the return. The return or instructions 239  
accompanying the return shall indicate that by checking the box 240  
the taxpayer authorizes the department of taxation to contact 241  
the preparer concerning questions that arise during the 242  
processing of the return and authorizes the preparer only to 243  
provide the department with information that is missing from the 244  
return, to contact the department for information about the 245  
processing of the return or the status of the taxpayer's refund 246  
or payments, and to respond to notices about mathematical 247  
errors, offsets, or return preparation that the taxpayer has 248  
received from the department and has shown to the preparer. 249

(K) The tax commissioner shall permit individual taxpayers 250  
to instruct the department of taxation to cause any refund of 251  
overpaid taxes to be deposited directly into a checking account, 252  
savings account, or an individual retirement account or 253  
individual retirement annuity, or preexisting college savings 254  
plan or program account offered by the Ohio tuition trust 255  
authority under Chapter 3334. of the Revised Code, as designated 256

by the taxpayer, when the taxpayer files the annual return 257  
required by this section electronically. 258

(L) If, for the taxable year, a nonresident or trust that 259  
is the owner of an electing pass-through entity, as defined in 260  
section 5747.38 of the Revised Code, does not have Ohio adjusted 261  
gross income or, in the case of a trust, modified Ohio taxable 262  
income other than from one or more electing pass-through 263  
entities, the nonresident or trust shall not be required to file 264  
an annual return under this section. Nothing in this division 265  
precludes such an owner from filing the annual return under this 266  
section, utilizing the refundable credit under section 5747.39 267  
of the Revised Code equal to the owner's proportionate share of 268  
the tax levied under section 5747.38 of the Revised Code and 269  
paid by the electing pass-through entity, and making the payment 270  
of taxes imposed under section 5747.02 of the Revised Code. 271

(M) The tax commissioner may adopt rules to administer 272  
this section. 273

**Sec. 5747.74.** (A) As used in this section: 274

(1) "Eligible child care expenses" means any amount that 275  
would qualify as an employment-related expense under section 21 276  
of the Internal Revenue Code paid by the taxpayer during the 277  
taxable year for the care of a qualifying child, without regard 278  
to any limitation under that section on the amount of expenses 279  
allowable or the income of the taxpayer. 280

(2) "Qualifying child" means a dependent of the taxpayer 281  
who has not attained age five. 282

(3) "Federal poverty line" has the same meaning as in 283  
section 5104.01 of the Revised Code. 284

(4) "Household income" means the sum of the modified 285

adjusted gross income of the taxpayer and every other individual 286  
in the taxpayer's family considered in determining the federal 287  
poverty line applicable to the taxpayer. 288

(B) For a taxpayer with a household income equal to or 289  
less than seven hundred fifty per cent of the federal poverty 290  
line for the taxable year, there is hereby allowed a refundable 291  
credit against a taxpayer's aggregate tax liability under 292  
section 5747.02 of the Revised Code equal to the amount of the 293  
taxpayer's eligible child care expenses, except as provided in 294  
division (C) of this section. The credit shall be claimed in the 295  
order required under section 5747.98 of the Revised Code. The 296  
tax commissioner may request that a taxpayer claiming a credit 297  
under this section furnish information as is necessary to 298  
support the claim for the credit under this section, and no 299  
credit shall be allowed unless the requested information is 300  
provided. If the credit allowed for any taxable year exceeds the 301  
aggregate amount of tax otherwise due under section 5747.02 of 302  
the Revised Code, after allowing for any other credits preceding 303  
the credit in the order prescribed by section 5747.98 of the 304  
Revised Code, the excess shall be refunded to the taxpayer. 305

(C) A taxpayer claiming the credit under this section 306  
shall not claim the credit authorized under section 5747.054 of 307  
the Revised Code for the taxable year on the basis of eligible 308  
child care expenses. The total amount of credits that may be 309  
claimed under this section for all taxpayers in a taxpayer's 310  
family in a taxable year shall not exceed the product of two 311  
thousand dollars for one qualifying child or four thousand 312  
dollars for two or more qualifying children in that family and 313  
the applicable credit percentage from the following table 314  
relative to the taxpayer's household income: 315

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A	<u>Federal poverty line</u>	<u>Credit percentage</u>
B	<u>At or below 550%</u>	<u>100%</u>
C	<u>551 to 600%</u>	<u>81.25%</u>
D	<u>601 to 650%</u>	<u>62.50%</u>
E	<u>651 to 700%</u>	<u>43.75%</u>
F	<u>701 to 750%</u>	<u>25%</u>

**Sec. 5747.98.** (A) To provide a uniform procedure for 317  
calculating a taxpayer's aggregate tax liability under section 318  
5747.02 of the Revised Code, a taxpayer shall claim any credits 319  
to which the taxpayer is entitled in the following order: 320

Either the retirement income credit under division (B) of 321  
section 5747.055 of the Revised Code or the lump sum retirement 322  
income credits under divisions (C), (D), and (E) of that 323  
section; 324

Either the senior citizen credit under division (F) of 325  
section 5747.055 of the Revised Code or the lump sum 326  
distribution credit under division (G) of that section; 327

The dependent care credit under section 5747.054 of the 328  
Revised Code; 329

The credit for displaced workers who pay for job training 330  
under section 5747.27 of the Revised Code; 331

The twenty-dollar personal exemption credit under section 332  
5747.022 of the Revised Code; 333

The joint filing credit under division (E) of section 5747.05 of the Revised Code;	334 335
The earned income credit under section 5747.71 of the Revised Code;	336 337
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	338 339
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	340 341 342
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	343 344 345
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	346 347
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	348 349
The enterprise zone credit under section 5709.66 of the Revised Code;	350 351
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	352 353 354
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	355 356
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	357 358
The nonrefundable credit for transformational mixed use development tax credit certificate holders under section 5747.87	359 360

of the Revised Code;	361
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	362 363 364
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	365 366
The small business investment credit under section 5747.81 of the Revised Code;	367 368
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	369 370
The opportunity zone investment credit under section 5747.86 of the Revised Code;	371 372
The enterprise zone credits under section 5709.65 of the Revised Code;	373 374
The research and development credit under section 5747.331 of the Revised Code;	375 376
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	377 378
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	379 380
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	381 382
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	383 384
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	385 386

The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	387 388
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	389 390 391
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	392 393
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	394 395 396
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;	397 398 399
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	400 401
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;	402 403 404
<u>The refundable child care expense credit under section 5747.74 of the Revised Code.</u>	405 406
(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	407 408 409 410 411 412 413 414

section creating that credit. Nothing in this chapter shall be 415  
construed to allow a taxpayer to claim, directly or indirectly, 416  
a credit more than once for a taxable year. 417

**Section 2.** That existing sections 5747.08 and 5747.98 of 418  
the Revised Code are hereby repealed. 419

**Section 3.** The enactment by this act of section 5747.74 of 420  
the Revised Code applies to taxable years beginning on or after 421  
January 1, 2027. 422

**Section 4.** This act shall be known as the Childcare Tax 423  
Credit Act. 424