As Introduced

136th General Assembly

Regular Session 2025-2026

S. B. No. 159

Senators Patton, Timken Cosponsors: Senators Lang, O'Brien, Antonio, Smith

То	amend sections 122.85, 5726.98, 5747.98, and	1
	5751.98 and to repeal sections 122.852, 5726.59,	2
	5747.67, and 5751.55 of the Revised Code to	3
	modify the film and theater production tax	4
	credit and to repeal the film and theater	5
	capital improvement tax credit.	6

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

Section 1. That sections 122.85, 5726.98, 5747.98, and	7
5751.98 of the Revised Code be amended to read as follows:	8
Sec. 122.85. (A) As used in this section and in sections	9
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:	10
(1) "Tax credit-eligible production" means a motion	11
picture or broadway theatrical production certified by the	12
director of development under division (B) of this section as	13
qualifying the production company for a tax credit under section	14
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.	15
(2) "Certificate owner" means a production company to	16
which a tax credit certificate is issued.	17
(3) "Production company" means an individual, corporation,	18
partnership, limited liability company, or other form of	19

business association that is registered with the secretary of	20
state and that is producing a motion picture or broadway	21
theatrical production.	22
(4) "Eligible expenditures" means expenditures made after	23
June 30, 2009, for goods or services purchased and consumed in	24
this state by a production company directly for the production	25
of a tax credit-eligible production, for postproduction	26
activities, or for advertising and promotion of the production.	27
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"Eligible expenditures" do not include qualified	28
expenditures for which a production company receives a tax-	29
credit under section 122.852 of the Revised Code.	30
"Eligible expenditures" include expenditures for cast and	31
crew wages, accommodations, costs of set construction and	32
operations, editing and related services, photography, sound	33
synchronization, lighting, wardrobe, makeup and accessories,	34
film processing, transfer, sound mixing, special and visual	35
effects, music, location fees, and the purchase or rental of	36
facilities and equipment.	37
(5) "Motion picture" means entertainment content created	38
in whole or in part within this state for distribution or	39
exhibition to the general public, including, but not limited to,	40
feature-length films; documentaries; long-form, specials,	41
miniseries, series, and interstitial television programming;	42
interactive web sites; sound recordings; videos; music videos;	43
interactive television; interactive games; video games;	44
commercials; any format of digital media; and any trailer,	45
pilot, video teaser, or demo created primarily to stimulate the	46
sale, marketing, promotion, or exploitation of future investment	47
in either a product or a motion picture by any means and media	48
in any digital media format, film, or videotape, provided the	49

motion picture qualifies as a motion picture. "Motion picture"	50
does not include any television program created primarily as	51
news, weather, or financial market reports, a production	52
featuring current events or sporting events, an awards show or	53
other gala event, a production whose sole purpose is	54
fundraising, a long-form production that primarily markets a	55
product or service or in-house corporate advertising or other	56
similar productions, a production for purposes of political	57
advocacy, or any production for which records are required to be	58
maintained under 18 U.S.C. 2257 with respect to sexually	59
explicit content.	60
(6) "Broadway theatrical production" means a prebroadway	61
production, long run production, or tour launch that is	62
directed, managed, and performed by a professional cast and crew	63
and that is directly associated with New York city's broadway	64
theater district.	65
(7) "Prebroadway production" means a live stage production	66
that is scheduled for presentation in New York city's broadway	67
theater district after the original or adaptive version is	68
performed in a qualified production facility.	69
(8) "Long run production" means a live stage production	70
that is scheduled to be performed at a qualified production	71
facility for more than five weeks, with an average of at least	72
six performances per week.	73
(9) "Tour launch" means a live stage production for which	74
the activities comprising the technical period are conducted at	75
a qualified production facility before a tour of the original or	76
adaptive version of the production begins.	77

(10) "Qualified production facility" means a facility

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located in this state that is used in the development or	79
presentation to the public of theater productions.	80
(11) "Investment intent letter" means a letter that	81
satisfies all of the following:	82
(a) Is executed on official letterhead of the production	83
company, investor, or investment entity;	84
(b) Clearly states the amount of investment being	85
<pre>committed;</pre>	86
(c) Specifies the date on which the investment is to be	87
made available;	88
(d) Identifies the motion picture or broadway theatrical	89
production to which the funds are allocated.	90
(B) For the purpose of encouraging and developing strong	91
film and theater industries in this state, the director of	92
development may certify a motion picture or broadway theatrical	93
production produced by a production company as a tax credit-	94
eligible production. In the case of a television series, the	95
director may certify the production of each episode of the	96
series as a separate tax credit-eligible production. A	97
production company shall apply for certification of a motion	98
picture or broadway theatrical production as a tax credit-	99
eligible production on a form and in the manner prescribed by	100
the director. Each application shall include the following	101
information:	102
(1) The name and telephone number of the production	103
company;	104
(2) The name and telephone number of the company's contact	105
person;	106

(3) A list of the first preproduction date through the	107
last production and postproduction dates in Ohio and, in the	108
case of a broadway theatrical production, a list of each	109
scheduled performance in a qualified production facility;	110
(4) The Ohio production office or qualified production	111
facility address and telephone number;	112
(5) The total production budget;	113
(6) The total budgeted eligible expenditures and the	114
percentage that amount is of the total production budget of the	115
motion picture or broadway theatrical production;	116
(7) In the case of a motion picture, the total percentage	117
of the production being shot in Ohio;	118
(8) The level of employment of cast and crew who reside in	119
Ohio;	120
(9) A synopsis of the script;	121
(10) In the case of a motion picture, the shooting script;	122
(11) A creative elements list that includes the names of	123
the principal cast and crew and the producer and director;	124
(12) Documentation of financial ability to undertake and	125
complete the motion picture or broadway theatrical production,	126
including documentation that shows that the company has secured	127
funding equal to at least fifty per cent of the total production	128
budget, which may be in the form of an investment intent letter;	129
(13) Estimated value of the tax credit based upon total	130
budgeted eligible expenditures;	131
(14) Estimated amount of state and local taxes to be	132
generated in this state from the production;	133

(15) Estimated economic impact of the production in this	134
state;	135
(16) Any other information considered necessary by the	136
director.	137
Within ninety days after certification of a motion picture	138
or broadway theatrical production as a tax credit-eligible	139
production, and any time thereafter upon the request of the	140
director, the production company shall present to the director	141
sufficient evidence of reviewable progress. If the production	142
company fails to present sufficient evidence, the director may	143
rescind the certification. If the production of a motion picture	144
or broadway theatrical production does not begin within ninety	145
days after the date it is certified as a tax credit-eligible	146
production, the director shall rescind the certification unless	147
the director finds that the production company shows good cause	148
for the delay, meaning that the production was delayed due to	149
unforeseeable circumstances beyond the production company's	150
control or due to action or inaction by a government agency.	151
Upon rescission, the director shall notify the applicant that	152
the certification has been rescinded. Nothing in this section	153
prohibits an applicant whose tax credit-eligible production	154
certification has been rescinded from submitting a subsequent	155
application for certification.	156
(C)(1) A production company whose motion picture or	157
broadway theatrical production has been certified as a tax	158
credit-eligible production may apply to the director of	159
development on or after July 1, 2009, for a refundable credit	160
against the tax imposed by section 5726.02, 5733.06, 5747.02, or	161
5751.02 of the Revised Code. The director in consultation with	162
the tax commissioner shall prescribe the form and manner of the	163

application and the information or documentation required to be	164
submitted with the application.	165
The credit is determined as follows:	166
(a) If the total budgeted eligible expenditures stated in	167
the application submitted under division (B) of this section or	168
the actual eligible expenditures as finally determined under	169
division (D) of this section, whichever is least, is less than	170
or equal to three hundred thousand dollars, no credit is	171
allowed;	172
(b) If the total budgeted eligible expenditures stated in	173
the application submitted under division (B) of this section or	174
the actual eligible expenditures as finally determined under	175
division (D) of this section, whichever is least, is greater	176
than three hundred thousand dollars, the credit equals thirty	177
per cent of the least of such budgeted or actual eligible	178
expenditure amounts.	179
(2) Except as provided in division (C)(4) of this section,	180
if the director of development approves a production company's	181
application for a credit, the director shall issue a tax credit	182
certificate to the company. The director in consultation with	183
the tax commissioner shall prescribe the form and manner of	184
issuing certificates. The director shall assign a unique	185
identifying number to each tax credit certificate and shall	186
record the certificate in a register devised and maintained by	187
the director for that purpose. The certificate shall state the	188
amount of the eligible expenditures on which the credit is based	189
and the amount of the credit. Upon the issuance of a	190
certificate, the director shall certify to the tax commissioner	191
the name of the production company to which the certificate was	192
issued, the amount of eligible expenditures shown on the	193

certificate, the amount of the credit, and any other information 194 required by the rules adopted to administer this section. 195

- (3) The amount of eligible expenditures for which a tax 196 credit may be claimed is subject to inspection and examination 197 by the tax commissioner or employees of the commissioner under 198 section 5703.19 of the Revised Code and any other applicable 199 law. Once the eligible expenditures are finally determined under 200 section 5703.19 of the Revised Code and division (D) of this 201 section, the credit amount is not subject to adjustment unless 202 203 the director determines an error was committed in the computation of the credit amount. 204
- (4) No tax credit certificate may be issued before the 205 completion of the tax credit-eligible production. The amount of 206 tax credit allowed per fiscal year shall not exceed the sum of 207 (a) fifty one hundred million dollars, (b) the difference 208 between the maximum credit amount for that fiscal year under-209 section 122.852 of the Revised Code and the amount the director 210 of development elects to allow under this section pursuant to 211 division (D) (1) of section 122.852 of the Revised Code, and (c) 212 the difference between the maximum amount of credits that could 213 have been awarded in the previous fiscal year under this section 214 and the amount actually awarded. Out of that sum, five million 215 dollars shall be reserved for broadway theatrical productions, 216 and the balance may be allowed for any tax credit-eligible 217 production. For any fiscal year in which less than five million 218 dollars of tax credits are allowed for broadway theatrical 219 productions, the amount of the five million dollars not allowed 220 and added to the maximum annual amount for the following fiscal 221 year shall be reserved for broadway theatrical productions in 222 223 the following fiscal year.

(5) The Except as otherwise provided in this division, the	224
director shall review and approve applications for tax credits	225
in two rounds—each fiscal year on a first-come, first-served,	226
basis. The first round of credits shall be awarded not later	227
than the last day of July of the fiscal year, and the second	228
round of credits shall be awarded not later than the last day of	229
the ensuing January. The amount of credits awarded in the first	230
round of applications each fiscal year shall not exceed one-half	231
of the maximum allowance for the fiscal year calculated	232
If, at any time, all complete and pending, but unapproved,	233
applications would, if all approved, result in awarded credits	234
in excess of the limit established under division (C)(4) of this	235
section, two million five hundred thousand dollars of which	236
shall be reserved for broadway theatrical productions. For each	237
round, the director shall rank the complete and pending	238
applications on the basis of the extent of positive economic	239
impact each tax credit-eligible production is likely to have in	240
this state and the effect on developing a permanent workforce in	241
motion picture or theatrical production industries in the state.	242
For the purpose of such ranking, the director shall give	243
priority to tax-credit eligible productions that are television	244
series or miniseries due to the long-term commitment typically	245
associated with such productions. The economic impact ranking	246
shall be based on the production company's total expenditures in	247
this state directly associated with the tax credit-eligible	248
production. The effect on developing a permanent workforce in	249
the motion picture or theatrical production industries shall be	250
evaluated first by the number of new jobs created and second by	251
amount of payroll added with respect to employees in this state.	252
The When ranking is required under this division, the	253
director shall approve productions in the order of their	254

ranking, from those with the greatest positive economic impact	255
and workforce development effect to those with the least	256
positive economic impact and workforce development effect.	257
(D) A production company whose motion picture or broadway	258
theatrical production has been certified as a tax credit-	259
eligible production shall engage, at the company's expense, an	260
independent certified public accountant to examine the company's	261
production, postproduction, and advertising and promotion	262
expenditures to identify the expenditures that qualify as	263
eligible expenditures. The certified public accountant shall	264
review and certify to the director all contract and expense	265
items greater than or equal to ten thousand dollars and review	266
and certify to the director not less than fifty per cent of the	267
contracts and expense items less than ten thousand dollars. The	268
certified public accountant shall then issue a report to the	269
company and to the director of development certifying the	270
company's eligible expenditures and any other information	271
required by the director. Upon receiving and examining the	272
report, the director may disallow any expenditure the director	273
determines is not an eligible expenditure. If the director	274
disallows an expenditure, the director shall issue a written	275
notice to the production company stating that the expenditure is	276
disallowed and the reason for the disallowance. Upon examination	277
of the report and disallowance of any expenditures, the director	278
shall determine finally the lesser of the total budgeted	279
eligible expenditures stated in the application submitted under	280
division (B) of this section or the actual eligible expenditures	281
for the purpose of computing the amount of the credit.	282
(E) No credit shall be allowed under section 5726.55,	283
5733.59, 5747.66, or 5751.54 of the Revised Code unless the	284
director has reviewed the report and made the determination	285

prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of 287 this state's name in the credits of any tax credit-eligible 288 motion picture production or program of any broadway theatrical 289 production. 290 (G)(1) The director of development in consultation with 291 the tax commissioner shall adopt rules for the administration of 292 this section, including rules setting forth and governing the 293 294 criteria for determining whether a motion picture or broadway

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activities that constitute the production or postproduction of a 296 motion picture or broadway theatrical production; reporting 297 sufficient evidence of reviewable progress; expenditures that 298

applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact in this state and development of a permanent workforce in motion picture or theatrical production industries in this state; consideration

qualify as eligible expenditures; a schedule and deadlines for

theatrical production is a tax credit-eligible production;

of geographic distribution of credits; and implementation of the 304 program described in division (H) of this section. The rules 305 shall be adopted under Chapter 119. of the Revised Code. 306

(2) To cover the administrative costs of the program, the 307 director shall require each applicant to pay an application fee 308 equal to the lesser of ten thousand dollars or one per cent of 309 the estimated value of the tax credit as stated in the 310 application. The fees collected shall be credited to the tax 311 incentives operating fund created in section 122.174 of the 312 Revised Code. All grants, gifts, fees, and contributions made to 313 the director for marketing and promotion of the motion picture 314 industry within this state shall also be credited to the fund. 315

(H) The director of development shall establish a program	316
for the training of Ohio residents who are or wish to be	317
employed in the film or multimedia industry. Under the program,	318
the director shall:	319
(1) Certify individuals as film and multimedia trainees.	320
In order to receive such a certification, an individual must be	321
an Ohio resident, have participated in relevant on-the-job	322
training or have completed a relevant training course approved	323
by the director, and have met any other requirements established	324
by the director.	325
(2) Accept applications from production companies that	326
intend to hire and provide on-the-job training to one or more	327
certified film and multimedia trainees who will be employed in	328
the company's tax credit-eligible production;	329
(3) Upon completion of a tax-credit eligible production,	330
and upon the receipt of any salary information and other	331
documentation required by the director, authorize a	332
reimbursement payment to each production company whose	333
application was approved under division (H)(2) of this section.	334
The payment shall equal fifty per cent of the salaries paid to	335
film and multimedia trainees employed in the production.	336
Sec. 5726.98. (A) To provide a uniform procedure for	337
calculating the amount of tax due under section 5726.02 of the	338
Revised Code, a taxpayer shall claim any credits to which the	339
taxpayer is entitled under this chapter in the following order:	340
The nonrefundable job retention credit under division (B)	341
of section 5726.50 of the Revised Code;	342
The nonrefundable credit for purchases of qualified low-	343
income community investments under section 5726 54 of the	344

Revised Code;	345
The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;	346 347
The nonrefundable credit for qualifying dealer in	348
intangibles taxes under section 5726.57 of the Revised Code;	349
The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;	350 351
The nonrefundable affordable single-family home credit under section 5726.60 of the Revised Code;	352 353
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	354 355
The nonrefundable opportunity zone investment credit under section 5726.61 of the Revised Code;	356 357
The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;	358 359
The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;	360 361
The refundable credit under section 5726.53 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;	362 363 364
The refundable motion picture and broadway theatrical production credit under section 5726.55 of the Revised Code;	365 366
The refundable credit for film and theater capital— improvement projects under section 5726.59 of the Revised Code.	367 368
(B) For any credit except the refundable credits	369
enumerated in this section, the amount of the credit for a	370
taxable year shall not exceed the tax due after allowing for any	371

other credit that precedes it in the order required under this	372
section. Any excess amount of a particular credit may be carried	373
forward if authorized under the section creating that credit.	374
Nothing in this chapter shall be construed to allow a taxpayer	375
to claim, directly or indirectly, a credit more than once for a	376
taxable year.	377
Sec. 5747.98. (A) To provide a uniform procedure for	378
calculating a taxpayer's aggregate tax liability under section	379
5747.02 of the Revised Code, a taxpayer shall claim any credits	380
to which the taxpayer is entitled in the following order:	381
Either the retirement income credit under division (B) of	382
section 5747.055 of the Revised Code or the lump sum retirement	383
income credits under divisions (C), (D), and (E) of that	384
section;	385
Either the senior citizen credit under division (F) of	386
section 5747.055 of the Revised Code or the lump sum	387
distribution credit under division (G) of that section;	388
The dependent care credit under section 5747.054 of the	389
Revised Code;	390
The credit for displaced workers who pay for job training	391
under section 5747.27 of the Revised Code;	392
The campaign contribution credit under section 5747.29 of	393
the Revised Code;	394
The twenty-dollar personal exemption credit under section	395
5747.022 of the Revised Code;	396
The joint filing credit under division $\frac{(G)}{(E)}$ of section	397
5747.05 of the Revised Code;	398
The earned income credit under section 5747 71 of the	390

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Revised Code;	400
The nonrefundable credit for education expenses under	401
section 5747.72 of the Revised Code;	402
The nonrefundable credit for donations to scholarship	403
granting organizations under section 5747.73 of the Revised	404
Code;	405
The nonrefundable credit for tuition paid to a	406
nonchartered nonpublic school under section 5747.75 of the	407
Revised Code;	408
The nonrefundable vocational job credit under section	409
5747.057 of the Revised Code;	410
The nonrefundable job retention credit under division (B)	411
of section 5747.058 of the Revised Code;	412
The enterprise zone credit under section 5709.66 of the	413
Revised Code;	414
The credit for beginning farmers who participate in a	415
financial management program under division (B) of section	416
5747.77 of the Revised Code;	417
The credit for commercial vehicle operator training	418
expenses under section 5747.82 of the Revised Code;	419
The nonrefundable welcome home Ohio (WHO) program credit	420
under section 122.633 of the Revised Code;	421
The credit for selling or renting agricultural assets to	422
beginning farmers under division (A) of section 5747.77 of the	423
Revised Code;	424
The credit for purchases of qualifying grape production	425
property under section 5747.28 of the Revised Code;	426

The small business investment credit under section 5747.81 of the Revised Code;	427 428
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	429 430
The opportunity zone investment credit under section 5747.86 of the Revised Code;	431 432
The enterprise zone credits under section 5709.65 of the Revised Code;	433 434
The research and development credit under section 5747.331 of the Revised Code;	435 436
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	437 438
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	439 440
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	441 442
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	443 444
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	445 446
The refundable motion picture and broadway theatrical production credit under section 5747.66 of the Revised Code;	447 448
The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;	449 450
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	451 452 453

The refundable credit for taxes paid by a qualifying	454
entity granted under section 5747.059 of the Revised Code;	455
The refundable credits for taxes paid by a qualifying	456
pass-through entity granted under division (I) of section	457
5747.08 of the Revised Code;	458
The refundable credit under section 5747.80 of the Revised	459
Code for losses on loans made to the Ohio venture capital	460
program under sections 150.01 to 150.10 of the Revised Code;	461
The refundable credit for rehabilitating a historic	462
building under section 5747.76 of the Revised Code;	463
The refundable credit under section 5747.39 of the Revised	464
Code for taxes levied under section 5747.38 of the Revised Code	465
paid by an electing pass-through entity.	466
(B) For any credit, except the refundable credits	467
enumerated in this section and the credit granted under division	468
(H) of section 5747.08 of the Revised Code, the amount of the	469
credit for a taxable year shall not exceed the taxpayer's	470
aggregate amount of tax due under section 5747.02 of the Revised	471
Code, after allowing for any other credit that precedes it in	472
the order required under this section. Any excess amount of a	473
particular credit may be carried forward if authorized under the	474
section creating that credit. Nothing in this chapter shall be	475
construed to allow a taxpayer to claim, directly or indirectly,	476
a credit more than once for a taxable year.	477
Sec. 5751.98. (A) To provide a uniform procedure for	478
calculating the amount of tax due under this chapter, a taxpayer	479
shall claim any credits to which it is entitled in the following	480
order:	481
The nonrefundable jobs retention credit under division (B)	482

of section 5751.50 of the Revised Code;	483
The nonrefundable credit for qualified research expenses	484
under division (B) of section 5751.51 of the Revised Code;	485
The nonrefundable credit for a borrower's qualified	486
research and development loan payments under division (B) of	487
section 5751.52 of the Revised Code;	488
The nonrefundable credit for calendar years 2010 to 2029	489
for unused net operating losses under division (B) of section	490
5751.53 of the Revised Code;	491
The refundable motion picture and broadway theatrical	492
production credit under section 5751.54 of the Revised Code;	493
The refundable credit for film and theater capital	494
improvement projects under section 5751.55 of the Revised Code;	495
The refundable jobs creation credit or job retention	496
credit under division (A) of section 5751.50 of the Revised	497
Code;	498
The refundable credit for calendar year 2030 for unused	499
net operating losses under division (C) of section 5751.53 of	500
the Revised Code.	501
(B) For any credit except the refundable credits	502
enumerated in this section, the amount of the credit for a tax	503
period shall not exceed the tax due after allowing for any other	504
credit that precedes it in the order required under this	505
section. Any excess amount of a particular credit may be carried	506
forward if authorized under the section creating the credit.	507
Section 2. That existing sections 122.85, 5726.98,	508
5747.98, and 5751.98 of the Revised Code are hereby repealed.	509

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Section 3. That sections 122.852, 5726.59, 5747.67, and	510
5751.55 of the Revised Code are hereby repealed.	511