

HB0190S02 compared with HB0190S01

{Omitted text} shows text that was in HB0190S01 but was omitted in HB0190S02
inserted text shows text that was not in HB0190S01 but was inserted into HB0190S02

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1

Child Care Business Tax Credit
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jason E. Thompson
Senate Sponsor: Heidi Balderree

2

LONG TITLE

3

General Description:

4

5 This bill modifies income tax credits for employer-provided child care.

6

Highlighted Provisions:

7

This bill:

- 8
- 9 ▶ defines terms;
 - 11 ▶ increases the tax credit amount for certain small business employers, in relation to the employer's child care expenditures;
 - 13 ▶ repeals the requirement for an employer to have claimed the tax credit for construction expenditures in order to claim the tax credit for child care expenditures; {and}
 - 15 ▶ **requires the Governor's Office of Economic Opportunity to develop and maintain a webpage for employers to obtain information and resources regarding the tax credits; and**
 - 15 ▶ makes technical and conforming changes.
- 18
- Money Appropriated in this Bill:**

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19 None

20 **Other Special Clauses:**

21 This bill provides retrospective operation.

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24 **59-7-627 (Effective 05/06/26) (Applies beginning 01/01/26)**, as enacted by Laws of Utah 2025,
Chapter 407

26 **59-10-1048 (Effective 05/06/26) (Applies beginning 01/01/26)**, as enacted by Laws of Utah 2025,
Chapter 407

28 **ENACTS:**

29 **63N-1a-308 (Effective 05/06/26), Utah Code Annotated 1953**

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **59-7-627** is amended to read:

33 **59-7-627. (Effective 05/06/26) (Applies beginning 01/01/26)**Nonrefundable tax credits for
employer-provided child care.

28 (1) As used in this section:

29 (a) "Eligible small business" means the same as that term is defined in Section 45F, Internal Revenue
Code.

31 (b) "Off-site qualified child care facility" means a qualified child care facility that an employer does not
own, control, operate, or manage.

33 (c) "On-site qualified child care facility" means a qualified child care facility that an employer owns,
controls, operates, or manages, for the benefit of the employer's employees.

36 [(a)] (d)

38 (i) "Qualified child care expenditure" means an amount [paid or incurred] an employer pays or incurs
for:

38 (A) the operating costs of [a] an on-site qualified child care facility[-of the employer], whether the
employer operates the on-site qualified child care facility or contracts with a third party provider
to provide child care services at the on-site qualified child care facility[-] ;

42 (B) entering into a contract with an off-site qualified child care facility to provide child care
services for the employer's employees; or

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- 44 (C) entering into a contract with an intermediate entity that contracts with one or more off-site
qualified child care facilities to provide child care services for the employer's employees.
- 47 (ii) ["Qualified] For an employer that operates an on-site qualified child care facility, "qualified
child care expenditure" includes costs related to training employees and providing increased
compensation to employees with higher levels of child care training.
- 51 [(b)] (e) "Qualified child care facility" means center based child care as that term is defined in Section
26B-2-401 that is located in the state.
- 53 [(e)] (f) "Qualified construction expenditure" means an amount [paid or incurred] an employer pays or
incurs to acquire, construct, rehabilitate, or expand property:
- 55 (i) for [a] an on-site qualified child care facility[-of the employer]; and
- 56 (ii) with respect to which the employer is allowed a deduction for depreciation, or amortization in lieu
of depreciation.
- 58 [(d)] (g) "Qualifying taxpayer" means a taxpayer that:
- 59 (i) is an employer; and
- 60 (ii) qualifies for and claims the federal employer-provided child care tax credit described in Section
45F, Internal Revenue Code, for the current taxable year.
- 62 [(e)] (h) "Recapture event" means an employer fails to operate [a] an on-site qualified child care facility
for which the employer claims a tax credit under [this section] Subsection (2) as a child care facility
for at least five consecutive taxable years after the taxable year on which the employer first claims a
tax credit under [this section] Subsection (2).
- 67 [(f)] (i) "Third party provider" means:
- 68 (i) a new child care provider; or
- 69 (ii) an existing child care provider that can perform the contract without reducing the provider's existing
child care services.
- 71 (2)
- 74 (a) A qualifying taxpayer may claim a nonrefundable tax credit equal to 20% of the qualified
construction expenditures the qualifying taxpayer incurred during the taxable year.
- (b) A qualifying taxpayer may carry forward, to the next five taxable years, the amount of the
qualifying taxpayer's tax credit described in this Subsection (2) that exceeds the qualifying
taxpayer's income tax liability for the taxable year.
- 77 (3)

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79 (a)

[~~(i) Subject to Subsection (3)(a)(ii),~~ a] A qualifying taxpayer may claim a nonrefundable tax credit equal to:

82 (i) 30% of the qualified child care expenditures the qualifying taxpayer incurred during the taxable year, for a qualifying taxpayer that qualifies as an eligible small business for the taxable year; or

85 (ii) 10% of the qualified child care expenditures the qualifying taxpayer incurred during the taxable year, for a qualifying taxpayer that does not qualify as an eligible small business for the taxable year.

88 [(ii) ~~A qualifying taxpayer may claim a tax credit under this Subsection (3) for qualified child care expenditures only if the qualifying taxpayer claims a tax credit under Subsection (2) for the current taxable year or a previous taxable year.~~]

91 (b) A qualifying taxpayer may not carry forward or carry back the tax credit described in this Subsection (3) that exceeds the qualifying taxpayer's income tax liability for the taxable year.

95 (4)

(a)

99 (i) If a recapture event happens within two taxable years after the first taxable year in which the qualifying taxpayer claims a tax credit under this section, a qualifying taxpayer shall repay 100% of the tax credit a qualifying taxpayer receives under this section for any taxable year.

103 (ii) If a recapture event happens more than two taxable years but fewer than three taxable years after the first taxable year in which the qualifying taxpayer claims a tax credit under this section, a qualifying taxpayer shall repay 75% of the tax credit a qualifying taxpayer receives under this section for any taxable year.

107 (iii) If a recapture event happens more than three taxable years but fewer than four taxable years after the first taxable year in which the qualifying taxpayer claims a tax credit under this section, a qualifying taxpayer shall repay 50% of the tax credit a qualifying taxpayer receives under this section for any taxable year.

107 (iv) If a recapture event happens more than four taxable years but fewer than five taxable years after the first taxable year in which the qualifying taxpayer claims a tax credit under this section, a qualifying taxpayer shall repay 25% of the tax credit a qualifying taxpayer receives under this section for any taxable year.

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- (b) A qualifying taxpayer shall make a payment for a recapture event for the taxable year in which the recapture event occurs.

116 Section 2. Section **59-10-1048** is amended to read:

117 **59-10-1048. (Effective 05/06/26) (Applies beginning 01/01/26)Nonrefundable tax credits for employer-provider child care.**

111 (1) As used in this section:

112 (a) "Eligible small business" means the same as that term is defined in Section 45F, Internal Revenue Code.

114 [(a)] (b) "Qualified child care expenditure" means the same as that term is defined in Section 59-7-627.

116 [(b)] (c) "Qualified child care facility" means the same as that term is defined in Section 59-7-627.

118 [(e)] (d) "Qualified construction expenditure" means the same as that term is defined in Section 59-7-627.

120 [(d)] (e) "Qualifying claimant" means a claimant, estate, or trust that:

121 (i) is an employer; and

122 (ii) qualifies for and claims the federal employer-provided child care tax credit described in Section 45F, Internal Revenue Code, for the current taxable year.

124 [(e)] (f) "Recapture event" means the same as that term is defined in Section 59-7-627.

125 [(f)] (g) "Third party provider" means the same as that term is defined in Section 59-7-627.

127 (2)

130 (a) A qualifying claimant may claim a nonrefundable tax credit equal to 20% of the qualified construction expenditures the qualifying claimant incurred during the taxable year.

133 (b) A qualifying claimant may carry forward, to the next five taxable years, the amount of the qualifying claimant's tax credit described in this Subsection (2) that exceeds the qualifying claimant's income tax liability for the taxable year.

133 (3)

133 (a)

135 [(i) Subject to Subsection (3)(a)(ii),] A qualifying claimant may claim a nonrefundable tax credit equal to:

138 (i) 30% of the qualified child care expenditures the qualifying claimant incurred during the taxable year, for a qualifying claimant that qualifies as an eligible small business for the taxable year; or

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(ii) 10% of the qualified child care expenditures the qualifying claimant incurred during the taxable year, for a qualifying claimant that does not qualify as an eligible small business for the taxable year.

141 (ii) [A qualifying claimant may claim a tax credit under this Subsection (3) for qualified child care expenditures only if the qualifying claimant claims a tax credit under Subsection (2) for the current taxable year or a previous taxable year.]

144 (b) A qualifying claimant may not carry forward or carry back the tax credit described in this Subsection (3) that exceeds the qualifying claimant's income tax liability for the taxable year.

147 (4)

(a)

(i) If a recapture event happens within two taxable years after the first taxable year in which the qualifying claimant claims a tax credit under this section, a qualifying claimant shall repay 100% of the tax credit a qualifying claimant receives under this section for any taxable year.

151 (ii) If a recapture event happens more than two taxable years but fewer than three taxable years after the first taxable year in which the qualifying claimant claims a tax credit under this section, a qualifying claimant shall repay 75% of the tax credit a qualifying claimant receives under this section for any taxable year.

155 (iii) If a recapture event happens more than three taxable years but fewer than four taxable years after the first taxable year in which the qualifying claimant claims a tax credit under this section, a qualifying claimant shall repay 50% of the tax credit a qualifying claimant receives under this section for any taxable year.

159 (iv) If a recapture event happens more than four taxable years but fewer than five taxable years after the first taxable year in which the qualifying claimant claims a tax credit under this section, a qualifying claimant shall repay 25% of the tax credit a qualifying claimant receives under this section for any taxable year.

163 (b) A qualifying claimant shall make a payment for a recapture event for the taxable year in which the recapture event occurs.

173 Section 3. Section 3 is enacted to read:

174 **63N-1a-308. Office to maintain webpage for employers regarding employer-provided child care tax credits.**

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- (1) For purposes of this section, "employer-provided child care tax credits" means the nonrefundable income tax credits available to employers under Sections 59-7-627 and 59-10-1048.
- (2) The office shall develop and maintain a webpage on the office's public website through which employers may obtain information and resources regarding the employer-provided child care tax credits.
- (3) The webpage described in Subsection (2) shall:
- (a) provide a simple and easy-to-understand overview of the employer-provided child care tax credits, including the eligibility requirements and an explanation as to how the state's employer-provided child care tax credits relates to the federal employer-provided child care tax credit under Section 45F, Internal Revenue Code;
- (b) provide instructions to employers for how to claim an employer-provided child care tax credit, including:
- (i) a description of applicable filing deadlines;
- (ii) links for accessing any necessary forms or documentation; and
- (iii) contact information for relevant state or federal agencies, intermediaries, and other stakeholders that may be able to assist employers with claiming a tax credit;
- (c) provides examples of the various ways in which an employer may qualify to receive an employer-provided child care tax credit; and
- (d) includes any other information the office determines will increase employer awareness and the effectiveness of the employer-provided child care tax credits.
- (4) The office may coordinate with the State Tax Commission and any other relevant agencies in developing and maintaining the webpage required by this section.

Section 4. Effective date.

Effective Date.

This bill takes effect on May 6, 2026.

Section 5. Retrospective Operation.

Retrospective operation.

- (1) Except as provided in Subsection (2), this bill has retrospective operation to January 1, 2026.

{This bill} Section 63N-1a-308 (Effective 05/06/26) has no retrospective operation {for a taxable year beginning on or after} .

2-6-26 3:05 PM