

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 4118

6 By: West (Tammy)

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to the family caregiver credit;
9 amending Section 2, Chapter 20, 1st Extraordinary
10 Session, O.S.L. 2023 (68 O.S. Supp. 2025, Section
11 2357.801), which relates to the family caregiver
12 credit; adding mileage to eligible expenditures;
13 removing the age requirement for eligible family
14 member; modifying definition; increasing maximum
15 allowable credit; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 2, Chapter 20, 1st
18 Extraordinary Session, O.S.L. 2023 (68 O.S. Supp. 2025, Section
19 2357.801), is amended to read as follows:

20 Section 2357.801. A. As used in this section:

21 1. "Activities of daily living (ADL)" shall include:

22 a. ambulating, which is the extent of an individual's

23 ability to move from one position to another and walk

24 independently,

b. feeding, which is the ability of an individual to feed

oneself,

- c. dressing, which is the ability to select appropriate clothes and to put the clothes on without aid,
- d. personal hygiene, which is the ability to bathe and groom oneself and maintain dental hygiene and nail and hair care,
- e. continence, which is the ability to control bladder and bowel function, and
- f. toileting, which is the ability to get to and from the toilet without aid, using it appropriately, and cleaning oneself;

2. "Eligible expenditure" shall include:

- a. the improvement or alteration to the family caregiver's or eligible family member's primary residence to permit the eligible family member to live in the residence and to remain mobile, safe, and independent,
- b. the family caregiver's purchase or lease of equipment, including but not limited to durable medical equipment, that is necessary to assist an eligible family member in carrying out one or more activities of daily living (ADL), and
- c. other paid or incurred expenses by the family caregiver that assist the family caregiver in

1 providing care to an eligible family member, such as
2 expenditures related to:

- 3 (1) hiring a home care aide,
- 4 (2) respite care,
- 5 (3) adult day care,
- 6 (4) personal care attendants,
- 7 (5) health care equipment, and
- 8 (6) technology.

9 The eligible expenditure ~~must~~ shall be directly related to assisting
10 the family caregiver in providing care to an eligible family member.

11 This includes any mileage for driving the eligible family member to
12 and from medical appointments. Calculate the estimated mileage at
13 the IRS standard rate for medical and dental expenses for the
14 applicable tax year. Eligible expenditure shall not include the

15 carrying out of general household maintenance activities such as
16 painting, plumbing, electrical repairs, or exterior maintenance;

17 3. "Eligible family member" shall mean an individual who:

- 18 a. ~~is sixty-two (62) years of age or older,~~
- 19 ~~b.~~ requires assistance with at least two activities of
20 daily living (ADL) as certified by a licensed health
21 care provider, as defined in paragraph 1 of Section
22 3090.2 of Title 63 of the Oklahoma Statutes,

23 ~~c.~~

1 C. The maximum allowable credit authorized by this section
2 shall be ~~Two Thousand Dollars (\$2,000.00) unless the eligible family~~
3 ~~member is a veteran or has a diagnosis of dementia in which case the~~
4 ~~maximum allowable credit shall be~~ Three Thousand Dollars
5 (\$3,000.00). If two or more family caregivers claim the tax credit
6 authorized by this section for the same eligible family member, the
7 maximum allowable credit shall be allocated in equal amounts between
8 each of the family caregivers.

9 D. The credit authorized by this section ~~may~~ shall not be used
10 to reduce the tax liability of the taxpayer to less than zero (0).
11 The credit shall not be carried over.

12 E. The total credits authorized pursuant to this section for
13 all taxpayers shall not exceed One Million Five Hundred Thousand
14 Dollars (\$1,500,000.00) annually. In the event the total tax
15 credits authorized by this section exceed One Million Five Hundred
16 Thousand Dollars (\$1,500,000.00) annually in any calendar year, the
17 Oklahoma Tax Commission shall permit any excess over One Million
18 Five Hundred Thousand Dollars (\$1,500,000.00) annually, but shall
19 factor such excess into the percentage adjustment formula for
20 subsequent years. The Oklahoma Tax Commission shall annually
21 calculate and publish by the first day of the affected year a
22 percentage by which the credits authorized by this section shall be
23 reduced so the total amount of credits used to offset tax does not
24 exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00)

1 annually per year. The formula to be used for the percentage
2 adjustment shall be One Million Five Hundred Thousand Dollars
3 (\$1,500,000.00) annually divided by the credits claimed in the
4 second preceding year.

5 F. The Oklahoma Tax Commission shall promulgate rules necessary
6 to implement and administer the credit authorized by this section.

7 SECTION 2. This act shall become effective November 1, 2026.

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