



# TaxNewsFlash

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## Final regulations providing guidance under section 36B regarding premium tax credit, employer coverage for employee family members

The U.S. Treasury Department and IRS today released for publication in the Federal Register final regulations (T.D. 9968) amending existing regulations under section 36B regarding eligibility for the premium tax credit (PTC) to provide that affordability of employer-sponsored minimum essential coverage for family members of an employee is determined based on the employee's share of the cost of covering the employee and those family members, not the cost of covering only the employee.

The [final regulations](#) [PDF 422 KB] (86 pages) finalize regulations that were proposed in April 2022. Read [TaxNewsFlash](#)

The final regulations will be published in the Federal Register on October 13, 2022, and are effective on the date that is 60 days after such date.

The final regulations affect taxpayers who enroll, or enroll a family member, in individual health insurance coverage through a health insurance exchange and who may be allowed a PTC for the coverage.

According to the preamble, the affordability rule for related individuals in the final regulations represents the better reading of the relevant statutes and is consistent with Congress's purpose to expand access to affordable health care coverage. The final regulations also include amendments to the rules relating to the determination of whether employer coverage provides a minimum level of benefits, referred to as minimum value; conforming amendments to the current regulations; and clarification of the treatment of premium refunds.

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