

# 2022 Instructions for Form FTB 4197

## Information on Tax Expenditure Items

### What's New

Taxpayers should file form FTB 4197, Information on Tax Expenditure Items with the Franchise Tax Board (FTB) to report tax expenditure items as part of the FTB's annual reporting requirements under California Revenue and Taxation Code (R&TC) Section 41. "Tax expenditure" means a credit, deduction, exclusion, exemption, or any other tax benefit provided for by the state. The FTB uses information from form FTB 4197 for reports required by the California Legislature. Taxpayers that have a reporting requirement for any of the following should file form FTB 4197:

**Deployed Military Exemption** – For taxable years beginning on or after January 1, 2020, and before January 1, 2030, a corporation or a limited liability company (LLC) that is a small business solely owned by a deployed member of the United States Armed Forces shall not be subject to the minimum franchise tax or the annual tax if the owner is deployed during the taxable year and the corporation or the LLC operates at a loss or ceases operation. For more information, see General Information, Who Should File and Specific Line Instructions.

**Thomas and Woolsey Wildfires Exclusion** – For taxable years beginning before January 1, 2027, California law allows a qualified taxpayer an exclusion from gross income for any amount received in a settlement from Southern California Edison for claims relating to the 2017 Thomas Fire or the 2018 Woolsey Fire. If a qualified taxpayer included income for an amount received from these settlements in a prior taxable year, the taxpayer can file an amended tax return for that year. If the normal statute of limitations has expired, the taxpayer must file a claim by September 29, 2023. For more information, see General Information, Who Should File, Specific Line Instructions and R&TC Sections 17138.6 and 24309.1.

**Turf Replacement Water Conservation Program** – For taxable years beginning on or after January 1, 2022, and before January 1, 2027, California law allows an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program. For more information, see General Information, Who Should File, Specific Line Instructions and R&TC Sections 17138.2 and 24308.9.

### General Information

**Taxpayers Operating a Commercial Cannabis Activity** – For taxable years beginning on or after January 1, 2020, and before January 1, 2025, California allows individuals and other taxpayers operating under the personal income tax law to claim credits and deduction of business expenses paid or incurred during the taxable year in conducting commercial cannabis activity (R&TC Section 17209). Taxpayers operating a commercial cannabis activity should file form FTB 4197 as part of FTB's annual reporting requirement.

**Note:** Commercial cannabis activities mean businesses licensed under California Medicinal and Adult-Use Cannabis Regulation and Safety Act (CA MAUCRSA).

**Paycheck Protection Program (PPP) Loans Forgiveness** – For taxable years beginning on or after January 1, 2019, California law allows an exclusion from gross income for covered loan amounts forgiven under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Paycheck Protection Program and Health Care Enhancement Act, Paycheck Protection Program Flexibility Act of 2020, the Consolidated Appropriations Act (CAA), 2021, or the PPP Extension Act of 2021.

The CAA, 2021, allows deductions for eligible expenses paid for with covered loan amounts. California law conforms to this federal provision, with modifications. For California purposes, these deductions do not apply to an ineligible entity. For more information, refer to the applicable tax booklet or go to [ftb.ca.gov](http://ftb.ca.gov) and search for **AB 80**.

**Other Loan Forgiveness** – For taxable years beginning on or after January 1, 2019, California law allows an exclusion from gross income for borrowers of forgiveness of indebtedness described in Section 1109(d) (2)(D) of the CARES Act as stated by Section 278, Division N of the CAA, 2021. The CAA, 2021, allows deductions for eligible expenses paid for with covered loan amounts. California law conforms to this federal provision, with

modifications. For California purposes, these deductions generally do not apply to an ineligible entity. For more information, refer to the applicable tax booklet, or go to [ftb.ca.gov](http://ftb.ca.gov) and search for **AB 80**.

**Shuttered Venue Operator Grant** – For taxable years beginning on or after January 1, 2019, California law allows an exclusion from gross income for amounts awarded as a shuttered venue operator grant under the CAA, 2021. The CAA, 2021 allows deductions for eligible expenses paid for with grant amounts. California law conforms to this federal provision, with modifications. For California purposes, these deductions do not apply to an ineligible entity. For more information, refer to the applicable tax booklet.

**R&TC Section 41 Reporting Requirements** – For taxable years beginning on or after January 1, 2021, taxpayers who benefited from the exclusion from gross income for the PPP loans forgiveness, other loan forgiveness, the EIDL advance grant, restaurant revitalization grant, or shuttered venue operator grant, and related eligible expense deductions under the CARES Act, Paycheck Protection Program and Health Care Enhancement Act, Paycheck Protection Program Flexibility Act of 2020, the American Rescue Plan Act (ARPA) of 2021, the CAA, 2021, or the PPP Extension Act of 2021, should file form FTB 4197, as part of the FTB's annual reporting requirement. For more information, see General Information, Who Should File.

### Purpose

Use form FTB 4197 to report the total amount of deductions, credits, exclusions, exemptions and other information related to certain trade or business activity for the taxable year, as applicable. The FTB is required to compile tax expenditure information to report to the California Legislature.

Filing this form is in addition to any other credit forms or expense schedules that are required to be filed with your tax return. Complete form FTB 4197 and attach to Form 540, California Resident Income Tax Return; 540NR, California Nonresident or Part-Year Resident Income Tax Return; 100, California Corporation Franchise or Income Tax Return; 100S, California S Corporation Franchise or Income Tax Return; 100W, California Corporation Franchise or Income Tax Return – Water's-Edge Filers; 109, California Exempt Organization Business Income Tax Return; 541, California Fiduciary Income Tax Return; 565, Partnership Return of Income; or 568, Limited Liability Company Return of Income (as applicable). For more information, refer to the applicable tax booklet.

### Who Should File

#### Taxpayers Operating a Commercial Cannabis Activity

Taxpayers that should file form FTB 4197 include the following:

- Individuals operating a commercial cannabis activity licensed under CA MAUCRSA.
- Individual owners of single member limited liability companies (SMLLCs) operating a commercial cannabis activity licensed under CA MAUCRSA.
- Individual shareholders, beneficiaries, partners, or members that received Schedules K-1 (100S, 541, 565, or 568), Share of Income, Deductions, Credits, etc., from an S corporation, an estate or trust, a partnership, or an LLC taxed as a partnership, that are operating commercial cannabis activities licensed under CA MAUCRSA.
- C corporation partners (including corporation filing a combined report) and S corporation partners that received Schedule K-1 from a partnership that is operating a commercial cannabis activity licensed under CA MAUCRSA.

#### Taxpayers that Benefited from the Paycheck Protection Program/Other Loan Forgiveness/Economic Injury Disaster Loan/Restaurant Revitalization Grant/Shuttered Venue Operator Grant

The following taxpayers should file form FTB 4197 if they benefited from the PPP loans forgiveness, other loan forgiveness, the EIDL advance grant, restaurant revitalization grant, or shuttered venue operator grant:

- Individuals
- C corporations including Water's-Edge filers
- S corporations
- Exempt organizations
- Estates or trusts
- Partnerships
- LLCs

## Small Business Solely Owned by a Deployed Member of the United States Armed Forces

Taxpayers that should file form FTB 4197 include the following:

- C corporations
- S corporations
- LLCs

## Taxpayers that Benefited from the Thomas and Woolsey Wildfires/Turf Replacement Water Conservation Program

The following taxpayers should file form FTB 4197 if they benefited from the Thomas and Woolsey Wildfires and Turf Replacement Water Conservation Program:

- Individuals
- C corporations including Water's-Edge filers
- S corporations
- Exempt organizations
- Estates or trusts
- Partnerships
- LLCs

## Specific Line Instructions

**Note:** For taxpayers that benefited **only** from the PPP, other loan forgiveness, EIDL program, restaurant revitalization grant, or shuttered venue operator grant, complete only Part I, column (a); **do not** complete the rest of the form.

## Part I — Deductions, Credits, Exemptions, Exclusions, and Other

### Taxpayers Operating a Commercial Cannabis Activity

The following taxpayers should complete Part I, columns (a) through (d); **do not** complete columns (e), (f), and (g):

- Sole proprietors conducting a commercial cannabis activity.
- Individual owners of SMLLCs conducting a commercial cannabis activity.

Enter all amounts as positive numbers.

### Taxpayers that Benefited from the Paycheck Protection Program/Other Loan Forgiveness/Economic Injury Disaster Loan/Restaurant Revitalization Grant/Shuttered Venue Operator Grant

The following taxpayers should only complete Part I, column (a) if they benefited from the PPP loans forgiveness, other loan forgiveness, the EIDL advance grant, restaurant revitalization grant, or shuttered venue operator grant:

- Individuals
- C corporations including Water's-Edge filers
- S corporations
- Exempt organizations
- Estates or trusts
- Partnerships
- LLCs

## Small Business Solely Owned by a Deployed Member of the United States Armed Forces

The following taxpayers should complete Part I, column (a) and column (g); **do not** complete columns (b), (c), (d), (e) and (f):

- C corporations
- S corporations
- LLCs

## Taxpayers that Benefited from the Thomas and Woolsey Wildfires/Turf Replacement Water Conservation Program

The following taxpayers should complete Part I, columns (a) and (e); **do not** complete columns (b), (c), (d), (f) and (g):

- Individuals
- C corporations including Water's-Edge filers
- S corporations
- Exempt organizations
- Estates or trusts
- Partnerships
- LLCs

## Column (a) – Code

Use the chart below to enter the applicable code in column (a).

Activity	Code
Cannabis	CBIS
Paycheck Protection Program	PPP
Other Loan Forgiveness	OLF
Economic Injury Disaster Loan	EIDL
Restaurant Revitalization Grant	RRG
Shuttered Venue Operator Grant	SVOG
Deployed Military Exemption	DME
Thomas and Woolsey Wildfires Exclusion	TWWE
Turf Replacement Water Conservation Program	TRWCP

Taxpayers who benefited **only** from the PPP loans forgiveness, other loan forgiveness, the EIDL advance grant, restaurant revitalization grant, or shuttered venue operator grant, enter the applicable code in column (a); stop here and **do not** complete the rest of this form.

Taxpayers operating a commercial cannabis activity, see instructions for columns (b), (c), and (d), skip columns (e) and (g), and complete the rest of the form, as applicable.

A corporation or an LLC that is a small business solely owned by a deployed member of the United States Armed Forces shall not be subject to the minimum franchise tax or the annual tax if the owner is deployed during the taxable year and the corporation or the LLC operates at a loss or ceases operation. If the corporation or an LLC meets the above requirements, write "DME" in column (a). Skip columns (b), (c), (d), and (e) instructions and go to column (g) instructions.

Taxpayers who benefited from the Thomas and Woolsey Wildfires and Turf Replacement Water Conservation Program, enter the applicable code in column (a). Skip columns (b), (c), (d), and (g) instructions and go to column (e) instructions.

## Column (b) – Deductions claimed this year

Enter in column (b) the total deductions claimed this year for the trade or business activity listed in column (a), including any deductions for your SMLLCs. Total deductions do not include cost of goods sold (COGS). The total amount of deductions claimed should come from the following schedules:

- Federal Schedule C (Form 1040), Profit or Loss From Business, line 28 plus line 30, using California amounts.
- Federal Schedule F (Form 1040), Profit or Loss From Farming, line 33 or line 49, using California amounts.

## Column (c) – Credits generated this year

Enter in column (c) the total credits generated this year from the trade or business activity listed in column (a). Refer to the specific credit form for more information. If you generate more than one credit, attach a schedule to this form with a break down of the credits from the trade or business activity listed in column (a):

- Credit name and code of each specific credit
- Amount generated for each specific credit
- Total amount of all credits generated

Enter the total amount of credits generated in column (c).

## Column (d) – Credits claimed/used this year

Enter in column (d) the total credits claimed/used this year from the trade or business activity listed in column (a). Refer to the specific credit form for more information. If you claim/use more than one credit, attach a schedule to this form with a break down of the credits from the trade or business activity listed in column (a):

- Credit name and code of each specific credit
- Amount claimed/used for each specific credit
- Total amount of all credits claimed/used

Enter the total amount of credits claimed/used in column (d).

**Column (e) – Exclusions**

California law allows a qualified taxpayer an exclusion from gross income for the following:

- Any amount received in a settlement from Southern California Edison for claims relating to the 2017 Thomas Fire or the 2018 Woolsey Fire.
- Any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program.

If the taxpayer benefited from any of the items listed above and listed the applicable code in column (a), enter in column (e) the amount of gross income exclusion this year.

**Column (g) – Other**

A corporation or an LLC that is a small business solely owned by a deployed member of the United States Armed Forces shall not be subject to the minimum franchise tax or the annual tax if the owner is deployed during the taxable year and the corporation or the LLC operates at a loss or ceases operation. If the corporation or an LLC meets the above requirements and listed the code “DME” in column (a), enter in column (g) the number of employees (including yourself) that the corporation or the LLC employed.

**Part II — Deductions, Credits, Exemptions, and Exclusions from Pass-Through Entities (PTE)**

**Taxpayers that Received Items from a PTE Operating a Commercial Cannabis Activity**

The following taxpayers should complete Part II, columns (a) through (e) as applicable; **do not** complete columns (f) and (g):

- Individual shareholders, beneficiaries, partners, or members of a PTE.
- C corporation partners and S corporation partners of a PTE.

Enter all amounts as positive numbers.

**Column (a) – PTE code**

See the Code chart in the instructions for Part I, column (a), to enter the applicable code for the PTE.

**Column (b) – Deductions from PTE**

Enter in column (b) the deductions that you received from the PTE that is conducting the trade or business activity listed in column (a). The S corporation, estate or trust, partnership, or LLC should provide you a schedule showing your share of total deductions pertaining to the PTE trade or business activity listed in column (a).

**Column (c) – Deductions claimed this year**

Enter in column (c) the deductions claimed this year for the deductions that you received from the PTE that is conducting the trade or business activity listed in column (a).

If your cannabis business operated at a loss, and this loss is suspended because of passive activity loss rules, complete Worksheet I as follows:

<b>Worksheet I</b>	
<b>Enter all amounts as positive numbers.</b>	
1. Gross receipts from cannabis business. . . . .	1 _____
2. Cost of goods sold . . . . .	2 _____
3. Gross income. Subtract line 2 from line 1 . . . . .	3 _____
4. Total expenses. . . . .	4 _____
5. Net loss from cannabis business. Subtract line 4 from line 3. . . . .	5 _____
6. Enter the portion of total expenses from line 4 above that reduced gross income to \$0. See example on this page . . . . .	6 _____
7. Enter the allowed passive loss for cannabis business, from form FTB 3801, Part VIII, column (c) . . . . .	7 _____
8. Deductions claimed this year. Add line 6 and line 7. Enter the total amount here and on form FTB 4197, Part II, column (c) . . . . .	8 _____

**Example:** The gross receipts, COGS, gross income, expenses and net loss from cannabis business for this taxable year is as follows:

1. Gross receipts . . . . .	\$1,000
2. COGS. . . . .	100
3. Gross income. Subtract line 2 from line 1. . . . .	900
4. Total expenses. . . . .	1,500 (The expenses amount that reduced your gross income to zero is \$900.)
5. Net loss from cannabis business. Subtract line 4 from line 3. . . . .	\$600

**Column (d) – Credits from PTE**

Enter in column (d) the credits that you received this year from the PTE that is conducting the trade or business activity listed in column (a). The S corporation, estate or trust, partnership, or LLC should provide you a schedule showing your share of total credits pertaining to the trade or business activity listed in column (a).

**Column (e) – Credits claimed/used this year**

Enter in column (e) the total credits claimed/used this year for the credits that you received from the PTE that is in the trade or business activity listed in column (a).

**Franchise Tax Board Privacy Notice on Collection**

Our privacy notice can be found in annual tax booklets or online. Go to [ftb.ca.gov/privacy](http://ftb.ca.gov/privacy) to learn about our privacy policy statement, or go to [ftb.ca.gov/forms](http://ftb.ca.gov/forms) and search for **1131** to locate FTB 1131 EN-SP, Franchise Tax Board Privacy Notice on Collection - Aviso de Privacidad del Franchise Tax Board sobre la Recaudación. To request this notice by mail, call 800.338.0505 and enter form code **948** when instructed.