



STATE OF CALIFORNIA
Franchise Tax Board

FTB Publication **3895C**

2023
California Instructions for
Filing Federal Forms 1094-C
and 1095-C



2023 California Instructions for Filing Federal Forms 1094-C and 1095-C

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2015**, and to the California Revenue and Taxation Code (R&TC).

General Information

Minimum Essential Coverage Individual Mandate –

For taxable years beginning on or after January 1, 2020, California law requires residents and their dependents to obtain and maintain minimum essential coverage (MEC), also referred to as qualifying health care coverage. Individuals who fail to maintain qualifying health care coverage for any month during the taxable year will be subject to a penalty unless they qualify for an exemption. For more information, get the following health care forms, instructions, and publications:

- Form FTB 3853, Health Coverage Exemptions and Individual Shared Responsibility Penalty
- Form FTB 3895, California Health Insurance Marketplace Statement
- Pub. 3895B, California Instructions for Filing Federal Forms 1094-B and 1095-B
- Pub. 3895C, California Instructions for Filing Federal Forms 1094-C and 1095-C

Purpose

This publication provides instructions for filing federal Forms 1094-C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, and 1095-C, Employer-Provided Health Insurance Offer and Coverage, with the Franchise Tax Board (FTB) for California purposes.

Employers with 50 or more full-time employees (including full-time equivalent employees) in the previous year use federal Forms 1094-C and 1095-C to report the information required under Internal Revenue Code Sections 6055 and 6056 about offers of health coverage and enrollment in health coverage for their employees.

Federal Form 1094-C must be used to transmit federal Forms 1095-C to the Internal Revenue Service (IRS) and to the FTB. Federal Form 1095-C is used to report information about each employee to the IRS, the FTB, and the employee.

The same federal Forms 1094-C and 1095-C the employer transmits to the IRS can be provided to the FTB under Revenue and Tax Code (R&TC) Section 61005.

Employers that offer employer-sponsored, self-insured coverage also use federal Form 1095-C to report information to the IRS, the FTB, and to employees about individuals who have MEC under the employer plan.

Who Must File

An employer that offers health coverage through a self-insured health plan must report information about each individual enrolled in such coverage. This information must be reported on federal Form 1095-C, Part III, for any employee who is enrolled in coverage (and any spouse or dependent of that employee).

Employers that offer health coverage through an employer-sponsored, self-insured health plan must complete federal Form 1095-C, Parts I, II, and III, for any employee who enrolls in the health coverage, whether or not the employee is a full-time employee for any month of the calendar year.

Employers that offer health coverage through a self-insured health plan are not required to submit federal Form 1095-C for employees who were offered coverage but chose not to enroll.

If an employer is offering health coverage to employees other than under a self-insured plan, such as through an insured health plan or a multiemployer health plan, the issuer of the insurance or the sponsor of the plan providing the coverage and the employer are required to furnish the information about health coverage to any enrolled employees.

Note to Employers: When the insurer files an information return with the FTB reporting health coverage for employees, the employer offering the health coverage is not required to report to the FTB.

Authoritative Transmittal for ALE Members Filing Multiple Federal Forms 1094-C

Federal instructions regarding Authoritative Transmittal for Applicable Large Employer (ALE) members filing multiple federal Forms 1094-C are not applicable for California purposes. Information on federal Form 1094-C, line 19, is not required by the FTB.

When to File

You will meet the requirement to file federal Forms 1094-C and 1095-C if the forms are properly addressed and mailed on or before the due date. When the due date falls on a weekend or holiday, the deadline to file is extended to the next business day.

For California purposes, federal Forms 1094-C and 1095-C must be filed by March 31 of the year following the calendar year to which the return relates. Federal Form 1095-C must be provided to the employee and any individual receiving MEC through an employer by January 31 of the year following the calendar year to which the return relates.

Extensions – No penalty will be imposed for federal Forms 1094-C and 1095-C filed with the FTB on or before May 31.

Electronic Filing

If you are required to file 250 or more information returns, you must file electronically. This requirement applies to each type of form filed and separately for original and corrected returns. For example, if you must file 500 federal Forms 1095-B and 75 federal Forms 1095-C, you must file federal Forms 1095-B electronically, but you are

not required to file federal Forms 1095-C electronically. The electronic filing requirement is not applicable if you apply for and receive a waiver.

Note: The FTB encourages you to file electronically even if you are filing fewer than 250 returns.

For information about how to file information returns electronically, get FTB File Exchange System – MEC IR Registration and Enrollment Guide, and FTB File Exchange System – 1094 1095 Technical Specifications, or go to ftb.ca.gov/mec.

Waiver – You may annually request a waiver from the required electronic filing of federal Forms 1094-C and 1095-C. The FTB may grant a waiver if it determines that you are unable to comply with this requirement due to technology constraints or where compliance would result in undue financial burden. To request a waiver, contact our MEC FX Portal Help Desk at FTBFXPortal@ftb.ca.gov.

Where to File

Send all information returns filed on paper to the following:

HEALTH CARE MANDATE
FRANCHISE TAX BOARD
PO BOX 2288
RANCHO CORDOVA CA 95741-2288

Substitute Federal Forms 1094-C and 1095-C

If you are filing federal Forms 1094-C and 1095-C on paper, get federal Pub. 5223, General Rules and Specifications for Affordable Care Act Substitute Forms 1095-A, 1094-B, 1095-B, 1094-C, and 1095-C, for specifications for private printing of substitute federal Forms 1094-C and 1095-C. You may not request special consideration. Only forms that conform to the official form and the specifications in federal Pub. 5223 are acceptable for filing with the IRS and the FTB.

Also, if you are not using the official IRS form to furnish federal Forms 1095-C to individuals, get federal Pub. 5223 for the requirements for format and content of substitute federal Forms 1095-C furnished to individuals.

For California purposes, substitute federal Forms 1095-C for employees and individuals receiving MEC through the employer must include all of the information required under R&TC Section 61005(f).

VOID Box

Do not use this box on federal Form 1095-C.

Corrected Federal Forms 1094-C and 1095-C

Federal Form 1094-C – Do not file corrected federal Form 1094-C with the FTB.

Federal Form 1095-C – A corrected federal Form 1095-C filed with the IRS must also be filed with the FTB.

A corrected federal Form 1095-C should be filed as soon as possible after an error is discovered. Get the instructions for federal Form 1095-C for filing corrected federal Forms 1095-C.

For information about filing corrections for electronically filed forms with the FTB, get FTB File Exchange System – 1094 1095 Technical Specifications.

Statements to Individuals

Federal Form 1095-C must be furnished to employees by January 31, 2024, for California purposes.

If you have already furnished federal Form 1095-C to an individual receiving MEC for federal purposes, it is not necessary to provide an additional copy to that individual for California purposes.

Information Reporting Penalties

A provider of MEC that fails to comply with the information reporting requirements will be subject to the general information reporting penalty provisions for failure to file correct information returns. For returns required to be made for 2023 tax year, the penalty for failure to file a correct information return is \$50 per individual included on a return for which the failure occurs.

Specific Instructions for Federal Form 1094-C

Part I – Applicable Large Employer Member (ALE Member)

For California purposes, the completion of Part I is required. California and federal instructions are the same for this section. Get the instructions for federal Forms 1094-C and 1095-C for more information.

Part II – ALE Member Information, Part III – ALE Member Information – Monthly, and Part IV – Other ALE Members of Aggregated ALE Group

For California purposes, the information requested in Parts II, III, and IV of federal Form 1094-C is not required. If you completed these sections of the form for IRS purposes, the FTB will disregard this information. The same federal Form 1094-C submitted to the IRS can be submitted to the FTB. Get the instructions for federal Forms 1094-C and 1095-C for more information.

Specific Instructions for Federal Form 1095-C

Part I, Part II, and Part III

Get the instructions for federal Forms 1094-C and 1095-C to complete federal Form 1095-C, Parts I, II, and III.

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 to learn about our privacy policy statement, or go to 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.