STATE OF NEW YORK

9216

2025-2026 Regular Sessions

IN ASSEMBLY

November 3, 2025

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing a tax credit for qualified diaper changing station restroom expenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax law is amended by adding a new section 50 to read as follows:

§ 50. Credit for qualified diaper changing station restroom expenses. (a) Allowance of credit. An eligible taxpayer who is subject to tax under article nine-A or twenty-two of this chapter, shall be allowed a credit against such tax for qualified diaper changing station restroom expenses. The total amount of the credit shall be seventy percent of the qualified diaper changing station restroom expenses paid or incurred by the taxpayer during such taxable year with respect to such business location, but not exceed ten thousand dollars over the aggregate credits determined under this subdivision with respect to such business location for the three preceding taxable years.

(b) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(i) "business location" shall mean each building from which the taxpayer conducts a trade or business, other than the trade or business of being an employee. In the case of a taxpayer that conducts separate trades or businesses from different portions of a building, each such portion shall be treated as a separate business location for purposes of this section if the taxpayer meets the requirements of subdivision (c) of this section applied by taking into account only such portion of such building.

(ii) "qualified diaper changing station restroom expenses" shall mean, with respect to any business location, amounts paid or incurred by the taxpayer for:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(1) any diaper changing station, which may be accessed free of charge, located in any restroom at such business location, including labor costs and other expenses associated with the installation of such station;

(2) any diaper dispenser, which may impose a charge and which may dispense hygiene products in addition to diapers, located in any restroom at such business location, including labor costs and other expenses associated with installation of such dispenser; and

(3) installation of one or more restrooms which meet the requirements of subdivision (c) of this section, or renovation or expansion of one or more existing restrooms into restrooms which meet such requirements;

(iii) "eligible taxpayer" shall mean any small business which:

(1) the business gross receipts do not exceed five million dollars; or

(2) employs less than one hundred full-time equivalent employees for such taxable year; and

(iv) "business gross receipts" means gross receipts received in the course of any trade or business, other than the trade or business of being an employee.

(c) Family bathroom requirement. The requirements of this subdivision are met with respect to any business location if all genders have access at such location to at least one public restroom that is equipped with a diaper changing station, which may be accessed free of charge, and a diaper dispenser, which may impose a charge.

(d) When credit allowed. The credit provided for herein shall be allowed with respect to the taxable year commencing in which qualified diaper changing station restroom expenses have been incurred.

(e) Carryover of credit. If the amount of the credit, and carryovers of such credit, allowable under this section for any taxable year shall exceed the taxpayer's tax for such year, such excess amount may be carried over to the five taxable years next following the taxable year with respect to which the credit is allowed and may be deducted from the taxpayer's tax for such year or years.

§ 2. Section 606 of the tax law is amended by adding a new subsection (w) to read as follows:

(w) Credit for qualified diaper changing station restroom expenses. (1) Allowance of credit. A taxpayer shall be allowed a credit for qualified diaper changing station restroom expenses, to be computed as provided in section fifty of this chapter, against the tax imposed by this article.

(2) Carryover of credit. If the amount of the credit, and carryovers of such credit, allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, such excess amount may be carried over to the five taxable years next following the taxable year with respect to which the credit is allowed and may be deducted from the taxpayer's tax for such year or years.

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 63 to read as follows:

63. Credit for qualified diaper changing station restroom expenses. (a) Allowance of credit. A taxpayer shall be allowed a credit for qualified diaper changing station restroom expenses, to be computed as provided in section fifty of this chapter, against the tax imposed by this article.

(b) Application of credit. In no event shall the credit under this section be allowed in an amount which will reduce the tax to less than the amount prescribed in paragraph (d) of subdivision one of this section. If, however, the amount of credit allowed under this section for any taxable year reduces the tax to such amount, any amount of cred-

it not deductible in such taxable year shall be treated as an overpayment of tax to be refunded in accordance with the provisions of section one thousand eighty-six of this chapter, provided however, that no interest shall be paid thereon.

§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (liii) to read as follows:

(liii) Credit for qualified diaper changing station restroom expenses under subsection (w)	**Amount of credit under subdivision sixty-three of section 210-B**

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to taxable years beginning on and after such date.