

STATE OF NEW YORK

5262

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sens. ASHBY, RHOADS, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to creating an in vitro fertilization treatment tax credit

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

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (qqq) to read as follows:

3 (qqq) In vitro fertilization treatment tax credit. (1) A resident
4 taxpayer shall be allowed a credit against the tax imposed by this arti-
5 cle for up to three cycles of in vitro fertilization treatment in an
6 amount equaling seventy-five percent of the expenses related to in vitro
7 fertilization treatment for infertility not covered by insurance paid
8 during the taxable year or ten thousand dollars, whichever is less. If
9 the amount of the credit allowable under this subsection for any taxable
10 year shall exceed the taxpayer's tax for such year, the excess shall be
11 treated as an overpayment of tax to be credited or refunded in accord-
12 ance with the provisions of section six hundred eighty-six of this arti-
13 cle, provided, however, that no interest shall be paid thereon.

14 (2) For the purposes of this subsection, the term "cycle" shall have
15 the same meaning as defined by subparagraph (G) of paragraph three of
16 subsection (s) of section four thousand three hundred three of the
17 insurance law.

18 § 2. This act shall take effect immediately, and shall apply to taxa-
19 ble years beginning on and after January 1, 2026.

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

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