STATE OF NEW YORK

3051

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

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

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:

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

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

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

§ 2. This act shall take effect immediately, and shall apply to taxable 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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