

# RIGHT TO IVF ACT

## *Senate Democrats Support Establishing Nationwide Right to IVF and Lowering IVF Costs for Middle-Class Families*

### **IVF UNDER ATTACK:**

When Donald Trump and Senate Republicans ripped away reproductive health freedom from millions of Americans by stacking the Supreme Court with radical rightwing Justices that recklessly tore up nearly half a century of legal precedent by repealing *Roe v. Wade*, they endangered the future of assisted reproductive technology (ART), particularly in vitro fertilization (IVF)—a miracle of medical science that represents [greater than 99 percent of all ART procedures performed in the United States](#).

**As Senate Democrats warned, repealing *Roe* inflicted far-reaching harm that ultimately empowers the extreme fringes of American society to attack one of the most pro-life medical breakthroughs in modern times that boasts overwhelming support among the American people: IVF.**

Repealing *Roe* empowered extreme Republican legislators and judges to rewrite State Constitutions and laws to redefine the concept of a living, breathing human being to include frozen, extrauterine embryos—a belief founded in theology, rather than medical science and basic commonsense. Laws defining an embryo as constituting a living, breathing human being render IVF, as provided in accordance with widely accepted and evidence-based medical standards of care, to constitute manslaughter or murder due to the disposal of fertilized eggs.

The fringe so-called personhood movement successfully shutdown all IVF clinics in Alabama without ever explicitly prohibiting the performance of IVF. This tragic incident was a chilling and heartbreaking manifestation of the cascading harms that directly flow from Donald Trump's destruction of *Roe v. Wade*. Even the Alabama Republican's so-called [legislative "fix"](#) perpetuated the offensive Republican view that IVF is a criminal and immoral act that requires patients and doctors to receive criminal and civil immunity to engage in it.

Since the chaos in Alabama, Senate Republicans have loudly declared support for protecting nationwide access to IVF. **Yet, when it comes to actions—not mere words—the *only* actions Senate Republicans have taken on IVF are:**

- Objecting to Senate Democratic efforts to pass legislation establishing a nationwide right to receive, provide or cover IVF;
- Blocking Senate Democratic requests to pass legislation expanding IVF access for U.S. servicemembers, Veterans and military families; and
- Introducing an empty and ineffective messaging bill that falsely claims to provide IVF protection—yet fails to address what happened in Alabama and *actually* empowers Republican State legislatures to end the practice of IVF as we know it.

## **SENATE DEMOCRATS WILL PROTECT IVF:**

Senate Democrats believe IVF is a pro-family fertility service that providers should be empowered to perform, in accordance with guidelines of the American Society for Reproductive Medicine (ASRM), wherever they practice medicine.

Senate Democrats believe a core tenant of freedom is being able to decide when and how to begin or expand a family—and that is why the Democratic Caucus is prioritizing making IVF more affordable for the millions of Americans, particularly members of the U.S. Armed Forces and Veterans, experiencing infertility.

The Right to IVF Act would achieve these critical goals by establishing a clear and enforceable nationwide right to receive, provide or cover IVF services (performed in accordance with widely accepted and evidence-based medical standards of care); and expanding IVF insurance coverage.

## **RIGHT TO IVF ACT SUMMARY:**

### **Title I: Access to Family Building**

- Establish a statutory right for an individual to access, a provider to provide and an insurer to cover—without prohibition, limitation, interference or impediment—ART/IVF services provided in accordance with ASRM professional guidelines.
- Authorizes U.S. Department of Justice to commence civil actions to enforce statutory rights and a private right of action for adversely affected covered parties.

### **Title II: Veteran Families Health Services**

- Allow servicemembers to cryopreserve gametes before deployment to a combat zone or hazardous duty assignment and after an injury or illness.
- Permanently authorize and enhance fertility treatment and counseling options for Veterans and servicemembers, while expanding family-building assistance, improving eligibility rules and strengthening research on servicemember and Veteran long-term reproductive health.

### **Title III: Access to Infertility Treatment and Care**

- Increase affordability of fertility care, including IVF, by requiring employer-sponsored insurance plans and other public insurance plans, cover fertility treatments.
- Standardize baseline of high quality fertility treatment coverage under private health insurance plans, while protecting Americans against excessive out-of-pocket costs.

### **Title IV: Family Building FEHB Fairness**

- Promote the standardization and widespread availability of affordable fertility treatment coverage under employer-sponsored health insurance plans.
- Require insurance carriers that participate in the world's largest employer-sponsored health insurance program, the Federal Employees Health Benefit (FEHB) Program, cover ART, including IVF treatments (building on the Biden administration's expansion of FEHB IVF coverage by requiring carriers cover the cost of IVF medication for three cycles in 2024).