

Attorney General Calls On Congress To Protect Access To Assisted Reproductive Technology

by Attorney General Raoul's Office
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CHICAGO – Attorney General Kwame Raoul today joined a coalition of 21 attorneys general urging Congress to pass the Access to Family Building Act, which would guarantee nationwide access to assisted reproductive technology (ART) such as in-vitro fertilization (IVF).

In the wake of a recent Alabama Supreme Court decision that jeopardized essential reproductive health services by classifying frozen embryos used during IVF as “unborn children,” Raoul and the coalition argue for strong federal protections, such as the Access to Family Building Act to expand access to ART and to protect patients’ rights to make their own reproductive health care decisions.

“I am urging Congress to protect assisted reproductive technology because anyone who desires to become a parent deserves access to critical reproductive health services to build and grow their families,” Raoul said. “I will continue to advocate for the rights of patients to access all forms of reproductive health care and fight against the continued encroachments on access to comprehensive care.”

Attorney General Raoul and the coalition urge Congress [in a letter](#) sent to the leadership of the Senate Committee on Health, Education, Labor, and Pensions and the Subcommittee on Health of the House Committee on Energy and Commerce, to take proactive steps to protect ART services. The Access to Family Building Act would make ART services more accessible to families of all types by guaranteeing patients the right to ART without prohibition or unreasonable limitation or interference, compelling health insurance providers to cover these services, and ensuring that patients have the right to make their own decisions regarding their reproductive genetic materials.

ART has provided thousands of people in diverse situations the opportunity to grow their families, including cancer survivors, same-sex couples, people experiencing infertility, or those choosing to parent alone. Nearly 2% of all babies born in the U.S. each year are conceived using ART.

However, the high cost of procedures and lack of insurance coverage for ART prevent many from accessing these essential services. The average cost of ART services in the U.S., such as IVF, is approximately \$20,000 a cycle, but that number can increase depending on a patient’s medical protocols, or if a patient undergoes multiple cycles.

The recent Alabama Supreme Court decision, which determined that embryos should be considered extrauterine children and that the destruction of embryos created through IVF is subject to the state’s Wrongful Death of a Minor Act, put the practice of IVF in jeopardy in Alabama. Clinics across the state suspended their services immediately following this decision, devastating patients who were in the midst of IVF treatment. This decision threatens ART services nationwide and the right of families to make their own reproductive healthcare decisions.

Currently, only 21 states and the District of Colombia, including Illinois, have passed laws related to insurance coverage, but the terms vary by state. Insurance policies can

also preclude patient access through varying definitions of infertility or requirements that not all patients meet.

Joining Raoul in sending this letter to Congress are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Colombia, Hawaii, Maine, Massachusetts, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont and Wisconsin.