

## **Section 1: Short Title**

This act is known and may be cited as the "Right to Fertility Treatment Act."

## **Section 2: Definitions**

As used in this statute:

- A. "Fertility treatment" means procedures, products, medications, and services intended to achieve pregnancy and a live birth with healthy outcomes, and that are provided in a manner consistent with established medical practice and professional guidelines published by the American Society for Reproductive Medicine. "Fertility treatment" includes:
  - a. Artificial insemination, including intravaginal insemination, intracervical insemination, and intrauterine insemination;
  - b. Assisted reproductive technology, including in vitro fertilization and other treatments or procedures in which reproductive genetic material, such as oocytes, sperm, fertilized eggs, and embryos, are handled;
  - c. diagnostic tests and diagnosis;
  - d. treatment and surgery for medical conditions related to infertility, including, but not limited to, fibroids, polyps, endometriosis, polycystic ovary syndrome (PCOS), and varicocele;
  - e. Genetic testing;
  - f. Genetic testing of embryos;
  - g. Medication prescribed or obtained over-the-counter, as indicated for fertility;
  - h. Donor gametes (i.e. sperm and oocytes);
  - i. "Standard fertility-preservation services," which are defined as procedures, products, medications, and services intended to preserve fertility consistent with established medical practice and professional guidelines published by the American Society for Reproductive Medicine and includes, but is not limited to, the procurement and cryopreservation of gametes, embryos, and reproductive material, and storage from the date of cryopreservation; and
  - j. Other information, referrals, treatments, procedures, medications, laboratory testing, technologies, or services relating to fertility.
- B. "Healthcare provider" means an individual who is licensed, certified, registered, or otherwise authorized or permitted by the laws of this state to administer fertility health care in the ordinary course of business in the practicing of a profession.
- C. "Person" means an individual human being. Notwithstanding another law, an individual has a right to engage in activities associated with fertility treatment.
- D. "Fertility patient" means (a) an individual or a couple experiencing infertility, (b) an individual or a couple who is at increased risk of transmitting a serious inheritable genetic or chromosomal abnormality to a child, (c) an individual unable to achieve a pregnancy as an individual or with a partner because the individual or couple does not

have the necessary gametes to achieve a pregnancy, or (d) an individual or couple for whom uses fertility preservation services.

### **Section 3: Right to Fertility Treatment**

The [STATE/COMMONWEALTH] recognizes the right to use fertility treatments as a fundamental liberty. It is the policy of [STATE/COMMONWEALTH] that the State has no legitimate governmental interest in limiting the freedom to use fertility treatments to achieve pregnancy or preserve fertility for future use.

The laws of [STATE/COMMONWEALTH] do not prohibit an activity associated with fertility treatment(s) that are provided in a manner consistent with established medical practice and professional guidelines published by the American Society for Reproductive Medicine. The law of [STATE/COMMONWEALTH] clearly and unambiguously acknowledges the right of a healthcare provider who specializes in fertility health care to perform, and the right of a person to receive or use fertility treatment and be a fertility patient in [STATE/COMMONWEALTH].

This section does not create an entitlement to fertility treatment, or coverage, funding, or reimbursement for fertility treatment.

### **Section 4: Effective Date**

This law shall become effective on MONTH DAY, 20XX.