

New Duckworth-Wild Bill Would Protect Right To Access IVF, Other Assisted Reproductive Technology For Every American

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WASHINGTON, DC – As Republicans and the anti-abortion movement continue their state-by-state attacks on reproductive healthcare in post-Roe America, U.S. Senator

Tammy Duckworth (D-IL) and U.S. Representative Susan Wild (D-PA-07) are introducing new legislation to protect every American's right to access in-vitro fertilization (IVF) and other assisted reproductive technology (ART) services that millions of Americans need to have children—including Senator Duckworth herself, who relied on IVF to have her two daughters. Building on the lawmakers' previously introduced [*Right to Build Families Act*](#), this new legislation would establish a statutory right to access IVF and other ART services, thereby pre-empting any state effort to limit such access and ensuring no hopeful parent—or their doctors—are punished for trying to start or grow a family.

“Since the Supreme Court threw out *Roe v. Wade*, our nation has seen a wave of Republican-led states not only enacting strict abortion bans that severely limit their residents' right to access basic reproductive care—but also pushing proposals that would jeopardize access to IVF and other assisted reproductive technologies that millions of Americans need to start or grow their families,” said Senator Duckworth. “Without the miracle of IVF, I wouldn't have my beautiful baby girls—and there are so many other people like me who have had trouble getting pregnant and relied on IVF to start the families of their dreams. As many hopeful parents continue to be understandably worried about their access to IVF amid Republicans' escalating attacks on reproductive healthcare, I'm proud to introduce the *Access to Family Building Act* to establish a statutory right to access IVF and other ART for every American—no matter what state they live in.”

“I have witnessed firsthand the heartbreak of women struggling to conceive and the strain expensive assisted reproductive treatment can have on them and their families,” said Congresswoman Wild. “The last thing the government should do is make life harder on these women by imposing restrictions on the care they can receive. I'm proud to join Senator Duckworth to introduce the *Access to Family Building Act* to ensure everyone has access to the reproductive health care they need.”

The *Access to Family Building Act* would:

- Establish a statutory right for an individual to access, without prohibition or unreasonable limitation or interference, assisted reproductive technology services, such as IVF, and for a healthcare provider to provide ART services;
- Establish an individual's statutory right regarding the use or disposition of their reproductive genetic materials, including gametes;
- Allow the Department of Justice to pursue civil action against any state, government official, individual or entity that violates protections in the legislation; and
- Create a private right of action for individuals and healthcare providers in states that have limited access to ART.

After the Supreme Court’s disastrous Dobbs ruling, many women have not only seen their constitutional right to abortion ripped away from them as a result of state abortion bans, but their ability to get treatment for [cancer](#), [lupus](#) and [more](#)—and to access IVF and other assisted reproductive technology in order to build a family—are also under threat. The new patchwork of state abortion bans has [created significant confusion](#) among patients and providers alike about what services doctors can and cannot provide—including ART—in states with the most restrictive laws. These threats have led IVF centers to [call for](#) new protections. In a number of states, Republican lawmakers have [proposed legislation](#) that would restrict access to ART. In a leaked audio recording, a leading anti-abortion group [advised](#) state lawmakers to avoid discussing regulating IVF and contraception at this time but noted that restrictions could be revisited in a few years.

A copy of the bill text can be found [here](#).

Along with Duckworth, the legislation was co-sponsored in the Senate by U.S. Senator Tammy Baldwin (D-WI).

This legislation is endorsed by: American Society for Reproductive Medicine (ASRM) and RESOLVE: The National Infertility Association.

“As a reproductive physician in Illinois, I am extremely proud to be represented by a Senator who, thanks to her family-building journey, is deeply committed to protecting access to care. Senator Duckworth is a true champion for all Americans who might require medical assistance to build their families. I also thank Congresswoman Susan Wild for her leadership,” said Robert Brannigan, MD, ASRM Vice President and Chief of Male Reproductive Medicine at Northwestern University Feinberg School of Medicine.

“Americans deserve to know that medical care to build their family, such as IVF, is legal and available anywhere in the U.S. and will always be legal and available,” said Barbara Collura, President/CEO of RESOLVE: The National Infertility Association. “RESOLVE strongly supports the “Access to Family Building Act,” a bill that ensures IVF is protected as well as protecting the healthcare providers offering that care. Each year our advocates are forced to fight anti-family bills introduced in state houses across the country, creating fear among people who simply want to be a parent. We call on Members of Congress to support this pro-family bill and are honored to work alongside our champions Senator Duckworth and Congresswoman Wild.”

Shortly after introducing her [Right to Build Families Act](#), Duckworth went to the Senate floor and [pleaded](#) with her Republican colleagues to help pass the legislation through unanimous consent. Republicans objected.

Throughout her first term in the Senate, Duckworth has made protecting and expanding access to essential reproductive healthcare a top priority. She joined her colleagues to [applaud](#) the Biden Administration's landmark decision to allow the Veterans Health Administration (VHA) to provide abortion care to Veterans and their eligible dependents to protect the health and life of the person and in cases of rape or incest.

Last year, Duckworth joined Patty Murray (D-WA) in reintroducing the [Reproductive Healthcare Accessibility Act](#), legislation to help people with disabilities—who face discrimination and extra barriers when seeking care—receive better access to reproductive healthcare and the informed care they need to control their reproductive lives. Additionally, Duckworth and U.S. Representative Gerald Connolly (D-VA-11) [urged](#) the Office of Personnel Management to require Federal Employees Health Benefit (FEHB) Programs to cover IVF. This resulted in the first nationally available healthcare plan to offer IVF coverage for federal employees insured by the FEHB program.

Duckworth was the first Senator to give birth while serving in office and in 2018 she [advocated](#) for the Senate to change its rules so she could bring her infant onto the Senate floor.