

Support For Duckworth Bill To Protect IVF Access Grows After Alabama Supreme Court Ruling

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WASHINGTON, D.C. – In the wake of Alabama’s State Supreme Court ruling that frozen embryos created during the IVF process are “children” under state law, support for U.S. Senators Tammy Duckworth (D-IL) and Patty Murray (D-WA)’s legislation to protect access to in-vitro fertilization (IVF) and other assisted reproductive technology (ART) nationwide continues to grow. The [Access to Family Building Act](#)—which would establish a statutory right to access IVF for all Americans who need it to start or grow a

family—now has 46 Senate cosponsors, despite Senate Republicans blocking the legislation from being passed last week.

“Since the Alabama Supreme Court handed down this ruling that is based in extreme ideology rather than medical science, it’s clear who is actually interested in protecting the rights of families and safeguarding IVF,” Duckworth said. “For years, even before the Supreme Court’s disastrous *Dobbs* decision that overturned *Roe v. Wade*, I’ve sounded the alarm that Republicans’ decades-long campaign to rob women of their right to make decisions about their healthcare and bodies would eventually put IVF and other ART at risk. I’m pleased to see so many of my Democratic colleagues in the Senate joining me in these efforts as we work to pass my *Access to Family Building Act*.”

“Since *Roe v. Wade* was overturned, Republicans have relentlessly gone after a woman’s right to make her own decisions about her body, her health, and her pregnancies—and that includes going after IVF, as we saw in Alabama just recently,” said Murray. “It’s hard to comprehend Republican attacks on technologies that help women have *more* children, unless you remember that the bottom line for the anti-choice movement is, and has always been, about control. The *Access to Family Building Act* Senator Duckworth and I introduced in January and tried to pass last week would protect every American’s right to build a family on their own terms—we’re not going to stop fighting to make this a reality.”

In addition to Duckworth, Murray and original cosponsors Tammy Baldwin (D-WI) and Kirsten Gillibrand (D-NY), the *Access to Family Building Act* is now co-sponsored by U. S. Senators Michael Bennet (D-CO), Richard Blumenthal (D-CT), Cory Booker (D-NJ), Sherrod Brown (D-OH), Laphonza Butler (D-CA), Maria Cantwell (D-WA), Ben Cardin (D-MD), Tom Carper (D-DE), Bob Casey (D-PA), Chris Coons (D-DE), Catherine Cortez Masto (D-NV), Dick Durbin (D-IL), John Fetterman (D-PA), Maggie Hassan (D-NH), Martin Heinrich (D-NM), John Hickenlooper (D-CO), Mazie Hirono (D-HI), Tim Kaine (D-VA), Mark Kelly (D-AZ), Angus King (I-ME), Amy Klobucher (D-MN), Ben Ray Lujan (D-NM), Ed Markey (D-MA), Bob Menendez (D-NJ), Jeff Merkley (D-OR), Chris Murphy (D-CT), Jon Ossoff (D-GA), Alex Padilla (D-CA), Gary Peters (D-MI), Jack Reed (D-RI), Jacky Rosen (D-NV), Bernie Sanders (I-VT), Brian Schatz (D-HI), Jeanne Shaheen (D-NH), Tina Smith (D-MN), Debbie Stabenow (D-MI), Jon Tester (D-MT), Chris Van Hollen (D-MD), Mark Warner (D-VA), Raphael Warnock (D-GA), Elizabeth Warren (D-MA), Peter Welch (D-VT), Sheldon Whitehouse (D-RI) and Ron Wyden (D-OR).

“Last week, the Alabama Supreme Court issued a dangerous, first-of-its-kind ruling that strips away some of our most fundamental reproductive freedoms,” said Gillibrand. “This ruling could have extreme implications nationwide – including in New York. It will make it harder for women to access infertility treatments, put doctors at risk of legal

action, and establish a dangerous precedent that may be used by conservative courts to issue similar rulings in other states. I'm fighting to pass the *Access to Family Building Act* to firmly establish access to IVF and other fertility treatments as a federally protected right. Women deserve to start or grow their families without government interference, and I'm committed to making sure they can."

"Like so many others, my wife and I wouldn't have our beautiful baby son without IVF," said Hickenlooper. "Alabama's extreme ruling is the next MAGA Republican attempt to roll back reproductive freedoms. Attacks like this will only become more frequent unless Congress passes new protections."

"After the Supreme Court struck down decades of precedent in overturning *Roe v. Wade*, we're seeing more and more extreme attacks on women's health care and reproductive freedom," said Warner. "Following the far right-wing ruling in Alabama's Supreme Court, we have to act now to make sure IVF remains legal and accessible for Americans seeking to build their families."

"First, it was banning abortion. Then, it was restricting access to contraceptives. And now, it's threatening families' ability to grow their families through IVF. For Republicans, overturning *Roe v. Wade* was just the beginning of their agenda to roll back women's reproductive freedoms," said Heinrich. "I'm proud to cosponsor the *Access to Family Building Act* to protect the right of every New Mexican to make their own decisions for themselves and their families. This legislation will safeguard access to IVF so that no American is punished for trying to start or grow their family. The Senate should pass this bill immediately."

"Anti-choice extremists made it clear that overturning *Roe v. Wade* was just the beginning, and they took it a step further when the Alabama Supreme Court tried to block women's access to IVF," said Rosen. "This cruel decision is already hurting some women's ability to begin or continue fertility treatments. I'm backing legislation to protect access to IVF treatments and safeguard Americans' right to start or grow their families."

"Anti-choice extremists have rolled back women's access to abortion care, and now they're trying to attack IVF procedures that millions of women use each year to grow their families," said Cortez Masto. "Women's reproductive rights are being threatened nationwide, and we have to keep fighting back. That's why I'm cosponsoring legislation to ensure women across the country can continue to use IVF and make their own choices about their families and their futures."

"The shocking Alabama IVF ruling revealed the next front of the anti-choice crusade, attacking all forms of reproductive health care, not just abortion," said Cantwell. "Our

Republican colleagues chose to block legislation that would allow millions of Americans to continue to use IVF to help expand their families. These personal medical decisions belong to families, not the government.”

“Republicans talk a big game – but when it comes time to cast a vote, they haven’t shown a willingness to protect the rights of families and those who need IVF. In fact, 125 House Republicans are actively trying to ban it,” said Welch. “The decision by Alabama’s Supreme Court is yet another step in a campaign that goes back decades to rob women and families of their rights to control their own bodies and reproductive freedom. Senator Duckworth’s tireless leadership in championing the *Access to Family Building Act* has never been more necessary, and I’m proud to join her and my colleagues in cosponsoring the bill today.”

“As fundamental reproductive rights continue to face threats across the country, we must ensure that health care decisions, including those that directly impact starting a family, are made between a woman and her doctor,” said Carper. “Overturning *Roe v. Wade* was only the first step for extreme judges to restrict basic health care freedoms for women. And it’s unacceptable that my Republican colleagues continue to block commonsense legislation like this bill which would codify protections for access to in-vitro fertilization into law. It is vital that we find a way to safeguard women’s health care in this country and I’m proud to join Senator Duckworth and my colleagues to do just that.”

“Many of my constituents, my friends, and even members of my own family have used IVF to start a family and to enjoy the blessing of children – and the effort to limit access to IVF is yet another result of the Supreme Court’s dangerous decision to overturn *Roe v. Wade*,” said Hassan. “I am proud to support this important legislation to protect access to IVF and similar treatments nationwide – and I will continue fighting back against Republican leaders’ efforts to block women from making their own health care decisions. The last group of people who should be making these personal health care decisions are judges or lawmakers.”

“When the right-wing Supreme Court overturned *Roe v. Wade*, it ended a fundamental freedom for women. Now, MAGA Republicans are intent on restricting access to IVF,” said Whitehouse. “The decision to start or grow a family is immensely personal, and it’s none of the government’s business. I thank Senator Duckworth for sharing her story and leading this legislation to safeguard access to family planning.”

“IVF is an important, and sometimes the only option for a lot of Americans who face barriers to becoming parents,” said Kelly. “I support these protections because the government has no business telling Americans how they can or can’t grow their families.”

“The Alabama Supreme Court ruling is yet another wake-up call: MAGA Republicans are not on the side of American families,” said Padilla. “The hypocrisy is staggering as Republicans line up to pledge support for IVF while signing on to legislation that would effectively ban the procedure. We cannot let extremism prevail against protecting fundamental reproductive rights.”

“Gutting Roe was never going to be enough for Republicans, and now they’re going after IVF,” said Schatz. “But it’s not a crime to want to start a family and that’s why passing this bill is so important. The only way to protect access to IVF across the country is for Congress to make it the law of the land,”

“Every American who wants to be a parent should have that opportunity, and when they’re faced with medical challenges, they should have the right to pursue every resource to help them navigate that process,” said Peters. “IVF is one of those tools that has helped countless Americans. I’m proud to cosponsor the *Access to Family Building Act*, and call on my Republican colleagues to stop playing politics and instead stand behind those who simply want the chance to start a family.”

“Freedom means having the right to decide whether, when, and how to start or build a family—without interference by the government,” said Kaine. “That’s why it’s more important than ever that we pass the *Access to Family Building Act* to protect access to IVF. Our effort to pass this legislation may have been blocked by a Republican senator last week, but our momentum continues to grow and we will keep fighting to get this commonsense bill across the finish line.”

“The Alabama State Supreme Court’s extreme decision threatening IVF is yet another disastrous consequence of the Supreme Court’s draconian *Dobbs* ruling,” said Van Hollen. “All Americans should be free to make their own decisions about when and how to have a family – and safeguarding access to IVF nationwide is key to protecting that freedom.”

“Republicans spent decades packing the courts with right-wing judges and moving anti-choice legislation that would dismantle reproductive rights,” said Murphy. “Now that they’ve accomplished that exact goal, they’re trying to distance themselves from the devastating consequences. This is a coordinated strategy by Donald Trump and Republicans, but the majority of Americans do not want judges and politicians making decisions about women’s bodies. I’m proud to support the *Access to Family Building Act* to defend against these attacks and safeguard access to reproductive care.”

"Access to IVF empowers individuals to navigate their reproductive journeys with autonomy and choice. To deny people this fundamental right is to deprive them of the ability to plan their futures," said Booker. "It's imperative that we protect everyone's

opportunity to pursue parenthood and uphold reproductive freedom in response to the relentless attacks on Americans' right to make their own medical decisions happening in the wake of the Supreme Court's *Dobbs* decision, including against IVF."

"Rights that we believed to be unalienable are being stripped away before our very eyes by extremists, and we must act with urgency to defend IVF access and the full scope of reproductive health care," said Butler. "Everyone deserves the freedom to build a family on their own terms."

"Politicians and judges have no place in decisions as personal as the one to start a family, said Smith. "Whether you live in Alabama or Minnesota, the right to start a family through IVF, access an abortion, or make choices about your own health and life should never be in jeopardy. Republicans are hellbent on ripping away women's reproductive freedoms; we are seeing it now with access to IVF, and it is no secret contraception will be next. Democrats are united around Senator Duckworth's *Access to Family Building Act* and ready to stand up for American families."

"Republicans' relentless pursuit of controlling women's reproductive rights must be stopped. First, *Roe v. Wade* was dismantled and now access to IVF is out of reach for some and reproductive rights continue to be eroded," said Luján. "This shameful decision is based on extremism and only subjects families to more heartache and uncertainty. That's why I'm honored to join my Democratic colleagues in supporting this legislation that makes access to IVF a right for every American."

"The unprecedented decision coming from Alabama's Supreme Court has already had serious consequences for reproductive rights. We must act to protect IVF for those who desperately want a baby but struggle with infertility, for cancer patients who must safeguard future reproductive options as they undergo treatment, for same-sex couples who use IVF to expand their families, and others who rely on IVF," said Durbin. "I am thankful to Senator Duckworth for leading the charge on protecting IVF, and I am disappointed that Senate Republicans continue to block efforts to safeguard access to IVF for families in need."

"The recent decision in Alabama makes clear what we have always known: efforts to roll back reproductive freedoms are about controlling women's bodies," said Shaheen. "Women should be the ones making intensely personal decisions about when and how to start or grow their families, not lawmakers and judges. It's as important as ever we protect IVF for all women by passing and getting the *Access to Family Building Act* signed into law."

"People in Colorado and across the country depend on assisted reproductive technology like IVF to start a family, yet the Alabama Supreme Court's radical decision threatens

access to this reproductive health care for millions of Americans,” Bennet said.

“Reproductive decisions should be between a woman, her family, and her doctor – not politicians or judges. This common sense bill protects American families’ access to the services they need to fulfill their dream of having children.”

“Far-right extremists were never planning to stop at abortion after the *Dobbs* decision, and the recent Alabama ruling makes clear that IVF is next,” said Coons. “Congress needs to affirm that fertility treatment, relied on by millions of Americans to grow their families, remains legal in Alabama and across the nation. Parents struggling to conceive have enough to worry about without the threat that they or their doctors could be charged with a felony for pursuing safe, routine fertility care.”

“The actions of Republicans across the country speak louder than words as they continue to take away women’s reproductive freedoms,” said Stabenow. “That’s why it’s essential that we pass this legislation to make sure access to IVF remains legal nationwide,”

Last week, Duckworth [led a group of Senate Democrats](#) in calling for the bill’s passage through unanimous consent, but U.S. Senator Cindy Hyde-Smith (R-MS) objected, blocking the effort. This is the second time [Senate Republicans have blocked Duckworth-led legislation](#) that would protect access to IVF nationwide. The *Access to Family Building Act* builds on [previous legislation](#) she introduced in 2022. The *Access to Family Building Act* is endorsed by the American Society for Reproductive Medicine (ASRM) and RESOLVE: The National Infertility Association.

Duckworth was the first Senator to give birth while serving in office and had both of her children with the help of IVF. In 2018 she [advocated](#) for the Senate to change its rules so she could bring her infant onto the Senate floor. She 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.

A copy of the bill text can be found using this [link](#).