

118TH CONGRESS  
2D SESSION

# H. RES. 1043

Expressing support for continued access to fertility care and assisted reproductive technology, such as in vitro fertilization, in light of the Supreme Court of Alabama's ruling that has jeopardized access to in vitro fertilization and other assisted reproductive technology.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2024

Ms. MACE (for herself, Mr. VAN DREW, Mr. D'ESPOSITO, Mr. BACON, Mrs. KIGGANS of Virginia, Mr. LALOTA, and Mr. SCHWEIKERT) submitted the following resolution; which was referred to the Committee on Energy and Commerce

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## RESOLUTION

Expressing support for continued access to fertility care and assisted reproductive technology, such as in vitro fertilization, in light of the Supreme Court of Alabama's ruling that has jeopardized access to in vitro fertilization and other assisted reproductive technology.

Whereas infertility is a condition of the male or female reproductive system defined by the failure to achieve a pregnancy after 12 months or more of regular unprotected sexual intercourse;

Whereas there are a variety of lifestyle and genetic factors, and myriad of other medical conditions, that can lead to infertility and make conceiving a child more difficult;

Whereas studies suggest that 48,000,000 couples and 186,000,000 individuals live with infertility globally;

Whereas 19 percent of married women of reproductive age in the United States with no prior births are unable to get pregnant after 12 months or more of regular unprotected sexual intercourse;

Whereas 26 percent of married women of reproductive age in the United States with no prior births have difficulty getting pregnant or carrying a pregnancy to term;

Whereas infertility is a psychologically devastating condition that can lead to extended periods of anger, stress, anxiety, and depression for couples struggling to conceive;

Whereas in vitro fertilization is a form of assisted reproductive technology that consists of a series of medical procedures, including the collection of mature eggs from ovaries, fertilization of these eggs outside the human body, and implantation of embryos in the uterus;

Whereas advances in assisted reproductive technology, such as in vitro fertilization, over the last 50 years has offered hope to the millions of couples struggling to conceive;

Whereas 12 percent of women of reproductive age in the United States have used assisted reproductive technology, such as in vitro fertilization, in their lifetime;

Whereas in vitro fertilization, and other forms of assisted reproductive technology, have been proven to be safe, reliable, and effective forms of infertility treatment;

Whereas more than 55 percent of women younger than 35 years old in the United States are able to become pregnant by in vitro fertilization after just one egg retrieval;

Whereas assisted reproductive technology, such as in vitro fertilization, are medical procedures that allow for more couples to achieve pregnancy and more children to be born;

Whereas it is estimated that more than 10,000,000 babies have been born globally through assisted reproductive technology and that approximately 500,000 babies are born each year through assisted reproductive technology;

Whereas approximately 2.3 percent of all infants born annually in the United States are conceived with assistive reproductive technologies, such as in vitro fertilization;

Whereas in vitro fertilization allows for cryogenic freezing and storage of embryos, allowing medical professionals to transfer one embryo at a time into the patient's uterus, reducing the health risks associated with carrying twins and triplets;

Whereas cryogenically freezing embryos prior to implantation in the in vitro fertilization process, has dramatically decreased the risk of ovarian hyperstimulation syndrome, a potentially life-threatening condition that affects fertility patients;

Whereas utilizing cryogenic freezing and storage of embryos during the in vitro fertilization process is significantly more cost effective for couples experiencing infertility than traditional in vitro fertilization;

Whereas the Supreme Court of Alabama's ruling on February 16, 2024, has jeopardized access to in vitro fertilization and other assisted reproductive technology for couples in Alabama experiencing infertility;

Whereas the ruling by the Supreme Court of Alabama could expose providers of in vitro fertilization in the State of Alabama to significant civil and criminal liability;

Whereas at least 3 medical providers in the State of Alabama suspended in vitro fertilization services in the week following the ruling by the Supreme Court of Alabama;

Whereas the ruling by the Supreme Court of Alabama will increase the cost of assisted reproductive technology, such as in vitro fertilization, for couples experiencing infertility; and

Whereas the ruling by the Supreme Court of Alabama, and any substantially similar ruling or statute, will result in fewer pregnancies and fewer children being born: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) expresses strong support for continued ac-  
3       cess to fertility care and assisted reproductive tech-  
4       nology, including in vitro fertilization at home and  
5       abroad;

6               (2) commends the work of reproductive  
7       endocrinologists and other fertility specialists in as-  
8       sisting couples experiencing infertility in bringing  
9       life into the world;

10              (3) condemns any judicial ruling that would re-  
11       sult in restricted access to fertility care and assisted  
12       reproductive technology, including in vitro fertiliza-  
13       tion;

1           (4) calls on elected officials at all levels of gov-  
2           ernment to reject proposals that would put access to  
3           fertility care and assisted reproductive technology,  
4           including in vitro fertilization, in jeopardy; and

5           (5) calls on elected officials at all levels of gov-  
6           ernment to proactively pass legislation to protect ac-  
7           cess to fertility care and assisted reproductive tech-  
8           nology, including in vitro fertilization.

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