

118TH CONGRESS  
2D SESSION

# S. 4368

To amend title XIX of the Social Security Act to require, as a condition of receiving Federal Medicaid funding, that States do not prohibit in vitro fertilization (IVF) services, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 20, 2024

Mr. CRUZ (for himself and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To amend title XIX of the Social Security Act to require, as a condition of receiving Federal Medicaid funding, that States do not prohibit in vitro fertilization (IVF) services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “IVF Protection Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Since its development in the 1970s, in vitro  
8 fertilization (referred to in this section as “IVF”)

1 has proven itself to be a safe, effective, and reliable  
2 means to achieving pregnancy.

3 (2) IVF has allowed millions of aspiring parents  
4 to experience the miracle of childbirth.

5 (3) IVF is a pro-woman and pro-family solution  
6 for those struggling to have children.

7 (4) IVF has become a symbol of hope for those  
8 aspiring to conceive.

9 (5) It is now estimated that nearly 2 percent of  
10 all live births in the United States are the result of  
11 IVF, resulting in tens of thousands of happy,  
12 healthy babies being born annually.

13 (6) The use of IVF has strengthened our com-  
14 munities and our nation by promoting generations of  
15 children and families that otherwise may not have  
16 come to be.

17 **SEC. 3. MEDICAID REQUIREMENT THAT STATES DO NOT**  
18 **PROHIBIT IVF SERVICES.**

19 Section 1902 of the Social Security Act (42 U.S.C.  
20 1396a) is amended by adding at the end the following new  
21 subsection:

22 “(uu) REQUIREMENT THAT STATES DO NOT PRO-  
23 HIBIT IVF SERVICES.—As a condition of receiving pay-  
24 ments under section 1903(a), a State—

1           “(1) shall not prohibit in vitro fertilization (as  
2           defined in section 4(b) of the IVF Protection Act)  
3           services; and

4           “(2) shall ensure that no unit of local govern-  
5           ment in the State prohibits such services.”.

6   **SEC. 4. NO REQUIREMENT TO FURNISH IVF SERVICES.**

7           (a) IN GENERAL.—Nothing in the IVF Protection  
8           Act shall be construed to compel any individual or organi-  
9           zation to provide in vitro fertilization services.

10          (b) IN VITRO FERTILIZATION DEFINED.—In this  
11          section, the term “in vitro fertilization” means the prac-  
12          tice whereby eggs are collected from ovaries and manually  
13          fertilized by sperm, for later placement inside of a uterus.

14   **SEC. 5. RULE OF CONSTRUCTION.**

15          Nothing in the IVF Protection Act shall be construed  
16          to impede States from implementing health and safety  
17          standards regarding the practice of in vitro fertilization  
18          (as defined in section 4(b)).

○