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PRESS RELEASE

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Attorney General Brown Calls on Congress to Expand Access to Reproductive Health Services *During National Infertility Awareness Week and Following Dangerous Alabama IVF Decision, 21 Attorneys General Call for More Affordable and Accessible Assisted Reproductive Technology Services Nationwide*

BALTIMORE, MD (April 26, 2024) – Attorney General Anthony G. Brown has joined a coalition of 21 attorneys general urging Congress to pass the Access to Family Building Act, legislation that would guarantee the right to access assisted reproductive technology (ART) like in-vitro fertilization (IVF) nationwide. ART has provided thousands of people in diverse situations the opportunity to grow their families, including cancer survivors, same-sex couples, people experiencing infertility, or those choosing to parent alone. However, the high cost of procedures and the lack of insurance coverage for ART prevent many from accessing these important services.

A recent Alabama Supreme Court decision jeopardized essential reproductive health services by classifying frozen embryos used during IVF as people and subjecting these embryos to the state's Wrongful Death of a Minor Act. Immediately following this decision, clinics across the state suspended their services, devastating patients who were in the midst of IVF treatment. This decision now threatens ART services nationwide, along with the right of families to make their own reproductive healthcare decisions. In the wake of this court decision, the coalition of attorneys general argues for meaningful federal protections, such as the Access to Family Building Act, to expand access to ART and to protect patients' rights to make their own reproductive healthcare decisions.

"Anyone desiring to grow their family should not fear losing access to affordable and vital treatment to help them do so. Advanced reproductive technology represents hope and opportunity for anyone who cannot get pregnant," **said Attorney General Brown**. "My Office is committed to protecting Marylanders' access to affordable fertility treatment and the pursuit of parenthood without discrimination or interference."

In the [letter](#) sent to the leadership of the Senate Committee on Health, Education, Labor, and Pensions and the House Committee on Energy and Commerce's Subcommittee on Health, the coalition urges Congress to take steps to protect ART services.

Nearly two percent of all babies born in the United States each year are conceived using ART. However, the high cost of ART can prevent people from obtaining these services and the insurance policy definitions of "infertility" can be limiting, especially for LGBTQ+ couples. In the United States, the

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average cost of ART services, such as IVF, is approximately \$20,000 per cycle, but that amount can increase depending on a patient's medical protocols and the number of cycles required. Currently, only 21 states, including Maryland, and the District of Columbia have passed laws related to infertility insurance coverage, but the terms vary state by state. Insurance policies can also hinder patient access through varying definitions of "infertility" or the imposition of requirements that not all patients meet. The Access to Family Building Act would make ART services more accessible to families of all types by guaranteeing patients the right to ART without prohibition or unreasonable limitation, encouraging health insurance providers to cover these services, and ensuring that patients have the right to make their own decisions regarding their reproductive genetic materials.

In sending this letter to Congress, Attorney General Brown joins the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, and Wisconsin.

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