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April 24, 2024

The Honorable Bernie Sanders  
Chair  
Senate Committee on Health, Education,  
Labor, and Pensions  
332 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Bill Cassidy  
Ranking Member  
Senate Committee on Health, Education,  
Labor, and Pensions  
455 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Brett Guthrie  
Chair  
House Committee on Energy and Commerce  
Subcommittee on Health  
2434 Rayburn House Office Building  
Washington, DC 20515

The Honorable Larry Bucshon, M.D.  
Vice Chair  
House Committee on Energy and Commerce  
Subcommittee on Health  
2313 Rayburn House Office Building  
Washington, DC 20515

The Honorable Anna Eshoo  
Ranking Member  
House Committee on Energy and Commerce  
Subcommittee on Health  
272 Cannon House Office Building  
Washington, DC 20515

Dear Chairs, Vice Chair, and Ranking Members of the Committee and Subcommittee,

We write in strong support of the Access to Family Building Act, which would meaningfully support people across the country who wish to be parents by guaranteeing the right to access assisted reproductive technology (ART), giving patients control over their reproductive genetic materials, and encouraging health insurance providers to cover these services.

ART has been critical to enabling tens of thousands of people in diverse situations and circumstances to build and grow their families. From cancer survivors and same-sex couples, to those experiencing infertility or choosing to parent alone, ART can help to make families' dreams come true.

Unfortunately, barriers persist that prevent many from trying to make that dream a reality, including financial barriers or insurance policy definitions of “infertility” that can preclude access to LGBTQ couples.<sup>1</sup> By ensuring the right to ART without prohibition, or unreasonable limitation or interference, this bill will help ensure that families of all types can benefit from medical assistance, no matter what they look like or who they love.

The bill may also help to address some of the socioeconomic and geographic disparities that currently exist when it comes to access. The average cost of ART services like IVF (in-vitro fertilization) in the U.S. is approximately \$20,000,<sup>2</sup> though that number can rapidly increase when patients undergo multiple cycles or depending on their medical protocols. These costs can be prohibitive, especially when insurance coverage is not available. Only 21 states and DC have passed laws related to fertility insurance coverage, and the terms and breadth of this coverage varies state by state.<sup>3</sup> By ensuring that insurance providers have the right to cover ART, this bill sends a strong message of encouragement to providers to offer coverage for these services and may help create greater equity so that more people can benefit from this technology, not just those who can afford it.

In addition, as Attorneys General, we are committed to protecting the rights of our constituents to make their own reproductive health care decisions, including if, when, and how to become parents. The recent Alabama Supreme Court decision, which determined that embryos should be considered “extrauterine children” and that the destruction of embryos created through IVF are subject to the state’s Wrongful Death of a Minor Act, put the very practice of IVF in jeopardy within that state. Clinics operating in the state suspended their services, with devastating consequences for patients who were in the midst of treatment.<sup>4</sup> Creating, storing, and disposing of multiple embryos is part of the standard of care for IVF and a critical tool for maximizing the likelihood of a successful pregnancy in a process that can be unpredictable, costly, and emotionally draining.<sup>5</sup> Patients deserve to have a measure of control as they try to achieve their fertility goals. This bill would make clear that physicians offering ART are able to follow the standard of care, and most importantly, that patients using ART have the right to make their own determinations and decisions regarding their reproductive genetic materials, including gametes.

Given the chaos and uncertainty that resulted from the ruling in Alabama, it is imperative that Congress take proactive steps to ensure that this decision does not prevent more families from pursuing ART. As the Attorneys General of our respective states, we urge you to move the Access to Family Building Act so that this legislation can be swiftly voted on and passed, and would-be parents can be assured of access to the medical assistance they want and need to fulfill their dreams.

Sincerely,

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<sup>1</sup> [Few states cover fertility treatment for same-sex couples, but that could be changing • Stateline](#)

<sup>2</sup> [The Cost of IVF By City - FertilityIQ](#)

<sup>3</sup> [Insurance Coverage by State | RESOLVE: The National Infertility Association](#)

<sup>4</sup> [Three Alabama clinics pause IVF after court rules embryos are children \(nbcnews.com\)](#)

<sup>5</sup> [Doctors shocked and angry as Alabama ruling throws IVF care into turmoil | IVF | The Guardian](#)



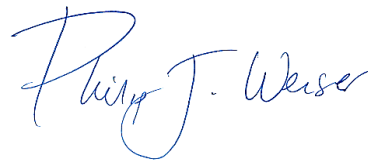
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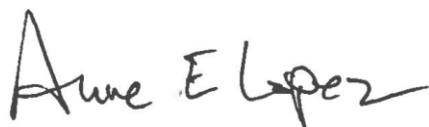
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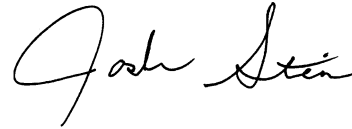
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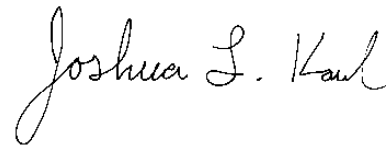
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