

ASSEMBLY RESOLUTION No. 148

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 26, 2024

Assemblywoman **MARGIE DONLON, M.D.**

District 11 (Monmouth)

Assemblywoman **CARMEN THERESA MORALES**

District 34 (Essex)

Assemblywoman **ANDREA KATZ**

District 8 (Atlantic and Burlington)

Co-Sponsored by:

Assemblywoman Peterpaul

SYNOPSIS

Condemns action of Republican members of United States Congress in failing to support passage of SB3612; affirms New Jersey Legislature's commitment to protecting reproductive freedom and full access to reproductive health care.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2024)

1 **AN ASSEMBLY RESOLUTION** condemning the United States Senate
2 Republicans’ blocking of legislation codifying access to in vitro
3 fertilization, and reaffirming New Jersey citizens’ freedom to
4 access reproductive health care and family planning services.
5
6 **WHEREAS**, In the United States, one in six people of childbearing age
7 struggle with fertility and require some type of medical assistance
8 in order to conceive a child; and
9 **WHEREAS**, Fortunately, 90 percent of infertility cases are treatable
10 with medical therapies including drug treatment, surgery, and in
11 vitro fertilization (IVF); and
12 **WHEREAS**, IVF is a process whereby an egg is removed from a
13 person's body and combined with sperm inside a laboratory for
14 fertilization; the fertilized egg, called an embryo, is then transferred
15 into the uterus; and
16 **WHEREAS**, In a recent decision, LePage v. Mobile Infirmiry Clinic,
17 P.C., the Alabama Supreme Court ruled that embryos are
18 “extrauterine children,” and that the state’s “Wrongful Death of A
19 Minor Act’ applies on its face to all unborn children, without
20 limitation;” and
21 **WHEREAS**, Following the LePage holding, Governor Kay Ellen Ivey
22 of Alabama signed into law S.B.159 to ensure criminal and civil
23 immunity for those administering or receiving IVF services; and
24 **WHEREAS**, Notwithstanding this new enactment, the LePage ruling
25 continues to threaten the rights of Alabamians who are planning to
26 have children, and endangers the overall future of family planning
27 in the state; and
28 **WHEREAS**, Following the LePage decision, a number of congressional
29 Republican senators joined Democrats in criticizing the ruling, and
30 expressed their support for in vitro fertilization (IVF); and
31 **WHEREAS**, Tammy Duckworth, a Democratic Senator from Illinois
32 who utilized IVF to conceive her two children, introduced Senate
33 Bill 3612 (SB3612), part of a four-bill package of legislation
34 known as the “Right to IVF Act,” in order to protect the rights of
35 individuals to seek reproductive assistance, such as IVF, and protect
36 the physicians who provide these services, without the fear of
37 prosecution; and
38 **WHEREAS**, Specifically, SB3612, known as the “Access to Family
39 Building Act,” would bar the limitation of access to assisted
40 reproductive technology, such as IVF; and
41 **WHEREAS**, SB3612 grants the individual rights to: (1) access assisted
42 reproductive technology, (2) continue or complete ongoing assisted
43 reproductive technology treatment or procedure, and (3) retain all
44 rights regarding the use or disposition of genetic materials; and
45 **WHEREAS**, Consistent with the longstanding precedent in New Jersey
46 of support for reproductive freedoms, New Jersey Senator Cory

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1 Booker expressed support of SB 3612 by co-sponsoring the bill ;
2 and

3 **WHEREAS**, Senator Duckworth urged her Republican colleagues, as
4 many initially denounced the LePage ruling for the harmful
5 precedent that the decision has set regarding reproductive assistance
6 services, to join the Democrats' efforts to protect access to IVF by
7 unanimously passing SB3612; and

8 **WHEREAS**, Instead of supporting the passage of SB3612, a measure
9 affirmatively supporting IVF, Republican senators proposed an
10 alternative measure, the "IVF Protection Act," which would
11 discourage states from enacting burdensome restrictions on
12 reproductive assistance but nonetheless allow such enactments by
13 states; and

14 **WHEREAS**, SB3612 failed in a procedural vote, by a tally of 48-47, to
15 advance, with 60 votes being needed to invoke cloture to move the
16 bill to a final vote; and

17 **WHEREAS**, All of the Republican senators, with the exception of two
18 members, voted to reject the move to advance the bill; and

19 **WHEREAS**, Two Republican senators, Alaska Senator Lisa Murkowski
20 and Maine Senator Susan Collins, voted with the Senate
21 Democratic majority and independents to advance the measure; and

22 **WHEREAS**, Following the failure to support the passage of SB3612,
23 Senate Republicans issued a statement of support for the use of IVF
24 technology; and

25 **WHEREAS**, It is disingenuous for the Republican lawmakers in the
26 United States Senate to sign on to a statement giving support for
27 IVF, while failing to support the passage of the measure which
28 would create a federal statutory right to assisted reproductive
29 technology; and

30 **WHEREAS**, New Jersey has long been a state that supports, and
31 provides protections for, the reproductive freedom of its citizens,
32 including the right to make the deeply personal choice of whether to
33 start or expand a family through IVF; now, therefore,

34

35 **BE IT RESOLVED** by the General Assembly of the State of New
36 Jersey:

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38 1. a. This resolution condemns the action of the Republican
39 members of the United States Congress in failing to support the
40 passage of SB3612.

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42 b. This resolution further condemns the contradictory move on
43 the part of the Republican senators of the United States Congress in
44 publishing a statement in support of IVF technology,
45 notwithstanding their rejection of SB3612.

46

47 c. This resolution affirms the New Jersey Legislature's
48 commitment to protecting its citizens' right to family plan,

1 reproductive freedom, and full access to reproductive health care,
2 including IVF.

3

4 2. Copies of this resolution, as filed with the Secretary of State,
5 shall be transmitted by the Clerk of the General Assembly to each
6 member of Congress elected from this State, the President, the
7 Vice-President, and the Governor of the State of New Jersey.

8

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10 STATEMENT

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12 This resolution condemns the action of the Republican members
13 of the United States Congress in failing to support the passage of
14 SB3612, federal legislation supportive of the use of in vitro
15 technology and the rights of individuals in relation to the use of
16 assisted reproductive technology.

17 In the United States, one in six people of childbearing age
18 struggle with infertility and require some type of professional
19 assistance in order to conceive a child. Fortunately, 90 percent of
20 infertility cases are treatable with medical therapies including drug
21 treatment, surgery, and in vitro fertilization (IVF). IVF is a process
22 whereby an egg is removed from a person's body and combined
23 with sperm inside a laboratory for fertilization; the fertilized egg,
24 called an embryo, is then transferred into the uterus.

25 Tammy Duckworth, a Democratic Senator from Illinois who
26 utilized IVF to conceive her two children, introduced Senate Bill
27 3612 (SB3612), part of a four-bill package of legislation known as
28 the "Right to IVF Act," in order to protect the rights of individuals
29 to seek reproductive assistance, such as IVF, and the physicians
30 who provide these services, without the fear of prosecution. .

31 SB3612, known as the "Access to Family Building Act," would
32 bar the limitation of access to assisted reproductive technology,
33 such as IVF, and grants the individual rights to (1) access assisted
34 reproductive technology, (2) continue or complete ongoing assisted
35 reproductive technology treatment or procedure, and (3) retain all
36 rights regarding the use or disposition of genetic materials.

37 Senator Duckworth urged her Republican colleagues to join the
38 Democrats' efforts to protect access to IVF by unanimously passing
39 this legislation. The Republicans failed to support the measure and
40 the vote to pass the measure failed.

41 Instead of supporting the passage of SB3612, Republican
42 senators proposed an alternative measure, the "IVF Protection Act,"
43 which would discourage, but nonetheless allow, states to enact
44 burdensome treatment restrictions. Following the failure to support
45 the passage of SB3612, Senate Republicans issued a statement of
46 support for the use of IVF technology.