

SENATE RESOLUTION No. 94

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex and Passaic)

SYNOPSIS

Condemns Alabama Supreme Court ruling in LePage v. Mobile Infirmery Clinic, P.C.

CURRENT VERSION OF TEXT

As introduced.



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1 A SENATE RESOLUTION condemning the Alabama Supreme Court
2 ruling in LePage v. Mobile Infirmery Clinic, P.C.
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4 WHEREAS, In the United States, one in six people of childbearing age
5 struggle with infertility and require some type of professional
6 assistance in order to conceive a child; and
7 WHEREAS, Fortunately, 90 percent of infertility cases are treatable
8 with medical therapies including drug treatment, surgery, and in
9 vitro fertilization (IVF); and
10 WHEREAS, IVF is a process whereby an egg is removed from a
11 person's body and combined with sperm inside a laboratory for
12 fertilization; the fertilized egg, called an embryo, is then transferred
13 into the uterus; and
14 WHEREAS, In a recent decision, LePage v. Mobile Infirmery Clinic,
15 P.C., the Alabama Supreme Court ruled that embryos are
16 “extruterine children,” and that the state’s “Wrongful Death of A
17 Minor Act’ applies on its face to all unborn children, without
18 limitation;” and
19 WHEREAS, The LePage holding had immediate widespread
20 implications for anyone in Alabama who seeks, or provides, IVF,
21 resulting in the closure of IVF clinics and halting of IVF services;
22 and
23 WHEREAS, Following the LePage holding, on March 6, 2024,
24 Governor Kay Ellen Ivey of Alabama signed into law S.B.159 to
25 ensure criminal and civil immunity for those administering or
26 receiving IVF services; and
27 WHEREAS, Following the LePage decision, a number of Republicans
28 and Democrats criticized the ruling, and expressed their support for
29 IVF; and
30 WHEREAS, Tammy Duckworth, a Democratic Senator from Illinois
31 who utilized IVF to conceive her two children, introduced S.3612
32 in order to protect the rights of individuals to seek reproductive
33 assistance, such as IVF, and the physicians who provide these
34 services, without the fear of prosecution; and
35 WHEREAS, Senator Duckworth urged her Republican colleagues, as
36 many initially denounced the LePage ruling for the harmful
37 precedent that the decision has set on reproductive assistance
38 services, to join the Democrats’ efforts to protect access to IVF by
39 unanimously passing S.3612; and
40 WHEREAS, New Jersey has long been a state that supports, and
41 provides protections for, the reproductive freedom of its citizens,
42 including the right to make the deeply personal choice of whether to
43 start or expand a family through IVF; and
44 WHEREAS, Following the United States Supreme Court decision in
45 Dobbs v. Jackson Women’s Health Org., the United States
46 Department of Health and Human Services issued a proposed rule
47 designed to protect those seeking access to reproductive healthcare

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1 out-of-state when such access was criminalized following the
2 ruling; and

3 **WHEREAS**, In stark contrast to actions taken in states to monitor
4 private health information, the New Jersey legislature has acted to
5 protect private medical information from prosecutors in other states,
6 to ensure New Jersey law enforcement will not take part in
7 extraditions to people who have sought reproductive health care
8 that is legal in New Jersey, and to require the creation of a website
9 so people who are confused about recent court decisions know what
10 their freedoms are on reproductive health decisions in New Jersey;
11 and

12 **WHEREAS**, Legislation enacted in January 2020 mandates health
13 benefits coverage for fertility preservation services under certain
14 health insurance plans; and

15 **WHEREAS**, In January 2024, legislation was enacted to make fertility
16 services more accessible and affordable by requiring certain private
17 sector health insurers which are regulated by the State to provide
18 coverage for any services related to infertility including, but not
19 limited to, different types of IVF and embryo transfers; and

20 **WHEREAS**, It is in the public interest of the citizens of the State and
21 this great nation to condemn, in the strongest terms, any ruling or
22 state or federal legislative enactment that infringes on citizens'
23 rights to have access to IVF and embryo transfer; now, therefore,
24

25 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*
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27 1. This resolution condemns the Alabama Supreme Court ruling
28 in LePage v. Mobile Infirmary Clinic, P.C., which jeopardized
29 access to IVF and embryo transfers.
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31 2. The resolution reaffirms the New Jersey Legislature's
32 commitment to protecting its citizens' reproductive freedom and
33 full access to reproductive health care, including IVF.
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35 3. Copies of this resolution, as filed with the Secretary of State,
36 shall be transmitted by the Secretary of the Senate to each member
37 of Congress elected from this State, the New Jersey Commissioner
38 of Health, and the Attorney General of the State of New Jersey.
39
40

41 STATEMENT
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43 This Senate Resolution condemns the Alabama Supreme Court
44 ruling in LePage v. Mobile Infirmary Clinic, P.C., which
45 jeopardizes access reproductive health care services, including IVF
46 and embryo transfers.