

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 854

Short Title: Protect Access to In Vitro Fertilization. (Public)

Sponsors: Senators Marcus, Grafstein, and Murdock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 6, 2024

1 A BILL TO BE ENTITLED
2 AN ACT PROTECTING THE RIGHT TO ACCESS ASSISTED REPRODUCTIVE
3 TECHNOLOGY; AND APPROPRIATING FUNDS TO THE DEPARTMENT OF
4 HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH BENEFITS, TO
5 INCREASE FUNDING FOR MEDICAID MATERNAL SUPPORT SERVICES.

6 The General Assembly of North Carolina enacts:

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8 **PART I. RIGHT TO ACCESS ASSISTED REPRODUCTIVE TECHNOLOGY**

9 **SECTION 1.1.** Chapter 90 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 10.

12 "Assisted Reproductive Technology.

13 **"§ 90-21.160. Definitions.**

14 As used in this Article, the following terms have the following meanings:

15 (1) Assisted reproductive technology. – All treatments or procedures that include
16 the handling of human oocytes or human embryos, including in vitro
17 fertilization, gamete intrafallopian transfer, and zygote intrafallopian transfer.

18 (2) Health care provider. – Either of the following:

19 a. An individual who is licensed, certified, or otherwise authorized under
20 this Chapter to provide health care services in the ordinary course of
21 business or practice of a profession or in an approved education or
22 training program.

23 b. A health care facility licensed under Chapter 131E of the General
24 Statutes to provide health care services to patients.

25 The term "health care provider" includes (i) an agent or employee of a
26 health care facility that is licensed, certified, or otherwise authorized to
27 provide health care services, (ii) the officers and directors of a health care
28 facility, and (iii) an agent or employee of a health care provider who is
29 licensed, certified, or otherwise authorized to provide health care services.

30 (3) Health care service. – A health or medical procedure or service rendered by a
31 health care provider that meets either of the following criteria:

32 a. Provides testing, diagnosis, or treatment of a health condition, illness,
33 injury, or disease.

34 b. Dispenses drugs, medical devices, medical appliances, or medical
35 goods for the treatment of a health condition, illness, injury, or disease.

36 **"§ 90-21.162. Right to access assisted reproductive technology.**



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1 Neither the State nor any of its political subdivisions shall prohibit, unreasonably limit, or
2 interfere with any of the following:

- 3 (1) The right of a patient to access assisted reproductive technology.
4 (2) The right of a health care provider to provide or assist with the provision of
5 evidence-based information related to assisted reproductive technology.
6 (3) The right of a health care provider to perform or assist with the performance
7 of assisted reproductive technology.

8 **"§ 90-21.164. Fertilized human egg or human embryo not a human being.**

9 A fertilized human egg or human embryo that exists in any form outside of the uterus of a
10 human body shall not, under any circumstance, be considered an unborn fetus, an unborn child,
11 a minor child, a natural person, or any other term that connotes a human being for any purpose
12 under State law.

13 **"§ 90-21.166. Construction.**

14 Nothing in this Article shall be construed to prohibit the enforcement of health and safety
15 laws related to the operation of health care facilities or the provision of health care services by
16 health care providers."

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18 **PART II. INCREASE FUNDING FOR MEDICAID MATERNAL SUPPORT SERVICES**

19 **SECTION 2.1.** Effective July 1, 2024, there is appropriated from the General Fund
20 to the Department of Health and Human Services, Division of Health Benefits, the sum of five
21 hundred thousand dollars (\$500,000) in recurring funds for the 2024-2025 fiscal year to be used
22 to increase funding for Medicaid maternal support services, also known as the Baby Love
23 Program. These funds shall provide a State match for nine hundred twenty-five thousand dollars
24 (\$925,000) in recurring federal funds for the 2024-2025 fiscal year, and those federal funds are
25 appropriated to the Division of Health Benefits to be used for this same purpose.

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27 **PART III. EFFECTIVE DATE**

28 **SECTION 3.1.** Except as otherwise provided, this act is effective when it becomes
29 law.