

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 20, 2025
S.B. 383
PRINCIPAL CLERK

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SENATE BILL DRS45034-MGa-38A

Short Title: Right to IVF. (Public)

Sponsors: Senators Bradley, Grafstein, and Everitt (Primary Sponsors).

Referred to:

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

The General Assembly of North Carolina enacts:

PART I. RIGHT TO ACCESS ASSISTED REPRODUCTIVE TECHNOLOGY

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article
to read:

"Article 1O.

"Assisted Reproductive Technology.

"§ 90-21.160. Definitions.

The following definitions apply in this Article:

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

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

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

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

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

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

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

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

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



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

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

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

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

"§ 90-21.166. Construction.

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

PART II. INCREASE FUNDING FOR MEDICAID MATERNAL SUPPORT SERVICES

SECTION 2. Effective July 1, 2025, there is appropriated from the General Fund to the Department of Health and Human Services, Division of Health Benefits, the sum of five hundred thousand dollars (\$500,000) in recurring funds for each year of the 2025-2027 fiscal biennium to be used to increase funding for Medicaid maternal support services, also known as the Baby Love Program. These funds shall provide a State match for nine hundred thirteen thousand dollars (\$913,000) in recurring federal funds for each year of the 2025-2027 fiscal biennium, and those federal funds are appropriated to the Division of Health Benefits to be used for this same purpose.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.