

ASSEMBLY, No. 4191

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:

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District 8 (Atlantic and Burlington)

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SYNOPSIS

Protects access to assisted reproductive technology.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2024)

1 AN ACT concerning assisted reproductive technology and amending
2 P.L.2021, c.375.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.2021, c.375 (C.10:7-2) is amended to read
8 as follows:

9 2. a. Every individual present in the State, including, but not
10 limited to, an individual who is under State control or supervision,
11 shall have the fundamental right to: choose or refuse contraception
12 or sterilization; **[and]** choose whether to carry a pregnancy, to give
13 birth, or to terminate a pregnancy; and choose whether to use
14 assisted reproductive technology, including, but not limited to in
15 vitro fertilization.

16 The New Jersey Constitution recognizes the fundamental nature
17 of the right to reproductive choice, including the right to access
18 contraception, to terminate a pregnancy, and to carry a pregnancy to
19 term, shall not be abridged by any law, rule, regulation, ordinance,
20 or order issued by any State, county, or local governmental
21 authority. Any law, rule, regulation, ordinance, or order, in effect
22 on or adopted after the effective date of this act, that is determined
23 to have the effect of limiting the constitutional right to freedom of
24 reproductive choice and that does not conform with the provisions
25 and the express or implied purposes of this act, shall be deemed
26 invalid and shall have no force or effect.

27 b. The provisions of this section shall be enforceable under the
28 "New Jersey Civil Rights Act," P.L.2004, c.143 (C.10:6-1 et seq.)
29 or in any other manner provided by law.
30 (cf: P.L.2021, c.375, s.2)

31
32 2. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 This bill provides every woman in this State the fundamental
38 right to choose whether to use assisted reproductive technology
39 (ART).

40 Under current law, the State provides the fundamental right to
41 choose or refuse contraception or sterilization, or to choose whether
42 to carry a pregnancy, to give birth, or to terminate a pregnancy.
43 Under the bill, the fundamental rights related to reproductive health
44 choice in the State are expanded to include the use of ART. ART
45 includes, but is not limited to, in vitro fertilization (IVF).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 This legislation is in response to the Alabama Supreme Court
2 ruling in LePage v. Mobile Infirmary Clinic, P.C. (Docket No. SC-
3 2022-0515, SC-2022-0579), decided in February 2024. In LePage,
4 the Alabama Supreme Court ruled that embryos are “extrauterine
5 children,” finding that the state’s “‘Wrongful Death of A Minor
6 Act’ applies on its face to all unborn children, without limitation.”
7 This holding could have widespread implications for anyone in
8 Alabama who is seeking or provides IVF.

9 New Jersey has long been a State that supports, and provides
10 protections for, the reproductive freedom of its citizens, including
11 the right to make the choice of whether to start or expand a family
12 through IVF.