

118TH CONGRESS
2D SESSION

H. R. 9416

To recognize the right to assisted reproductive technology and to limit liability for certain actions committed during the course of providing assisted reproductive technology.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 27, 2024

Mr. GOTTHEIMER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To recognize the right to assisted reproductive technology and to limit liability for certain actions committed during the course of providing assisted reproductive technology.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Access to
5 Fertility Everywhere Act” or as the “SAFE Act”.

6 **SEC. 2. RIGHT TO ASSISTED REPRODUCTIVE TECHNOLOGY.**

7 (a) IN GENERAL.—No individual acting under color
8 of any statute, ordinance, regulation, custom, or usage,

1 of any State or Territory or the District of Columbia, may
2 subject, or cause to be subjected, any citizen of the United
3 States or other individual within the jurisdiction thereof
4 to any undue burden on the right to use assisted reproduc-
5 tive technology, including in vitro fertilization.

6 (b) LIMITATION ON LIABILITY.—No individual acting
7 under color of any statute, ordinance, regulation, custom,
8 or usage, of any State or Territory or the District of Co-
9 lumbia, may subject, or cause to be subjected, any citizen
10 of the United States or other individual within the juris-
11 diction thereof to liability for wrongful death for non-neg-
12 ligent accidents occurring during the processing, trans-
13 porting, or storing of human embryonic or gamete tissues
14 and cells created using assisted reproductive technology,
15 including in vitro fertilization, that cause unintended dam-
16 age to the viability of a human embryo.

17 (c) DEFINITION.—The term “assisted reproductive
18 technology” means all treatments or procedures which in-
19 clude the handling of human oocytes or embryos, including
20 in vitro fertilization, gamete intrafallopian transfer, zygote
21 intrafallopian transfer, and such other specific tech-
22 nologies as the Secretary may by rule determine.

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