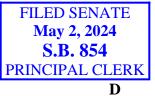
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023



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SENATE BILL DRS45438-MGa-150A

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_	enators Marcus, Grafstein, and Murdock (Primary Sponsors).
Referred to:	
	A BILL TO BE ENTITLED
AN ACT PRO	DTECTING THE RIGHT TO ACCESS ASSISTED REPRODUCTIVE
	OGY; AND APPROPRIATING FUNDS TO THE DEPARTMENT OF
	AND HUMAN SERVICES, DIVISION OF HEALTH BENEFITS, TO
	FUNDING FOR MEDICAID MATERNAL SUPPORT SERVICES.
The General As	sembly of North Carolina enacts:
PART I. RIGH	T TO ACCESS ASSISTED REPRODUCTIVE TECHNOLOGY
SEC	TION 1.1. Chapter 90 of the General Statutes is amended by adding a new
Article to read:	
	" <u>Article 10.</u>
	"Assisted Reproductive Technology.
" <u>§ 90-21.160. Г</u>	
	nis Article, the following terms have the following meanings:
<u>(1)</u>	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.
<u>(2)</u>	<u>Health care provider. – Either of the following:</u>
	a. <u>An individual who is licensed, certified, or otherwise authorized under</u>
	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. <u>A health care facility licensed under Chapter 131E of the General</u>
	Statutes to provide health care services to patients.
	<u>The term "health care provider" includes (i) an agent or employee of a</u> 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.
<u>(3)</u>	Health care service. – A health or medical procedure or service rendered by a
<u>(J)</u>	health care provider that meets either of the following criteria:
	<u>a.</u> <u>Provides testing, diagnosis, or treatment of a health condition, illness,</u> injury, or disease.
	b. Dispenses drugs, medical devices, medical appliances, or medical
	goods for the treatment of a health condition, illness, injury, or disease.
"8 90-21 162 F	light to access assisted reproductive technology.
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	General Assembly Of North Carolina Session 202.	3
1	Neither the State nor any of its political subdivisions shall prohibit, unreasonably limit,	
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 o	f
i	evidence-based information related to assisted reproductive technology.	
	(3) The right of a health care provider to perform or assist with the performance	e
	of assisted reproductive technology.	
	" <u>§ 90-21.164. Fertilized human egg or human embryo not a human being.</u>	
	A fertilized human egg or human embryo that exists in any form outside of the uterus of a	<u>a</u>
	human body shall not, under any circumstance, be considered an unborn fetus, an unborn child	l,
	a minor child, a natural person, or any other term that connotes a human being for any purpose	e
	under State law.	
	" <u>§ 90-21.166. Construction.</u>	
	Nothing in this Article shall be construed to prohibit the enforcement of health and safety	y
	laws related to the operation of health care facilities or the provision of health care services by	y
	health care providers."	
	PART II. INCREASE FUNDING FOR MEDICAID MATERNAL SUPPORT SERVICES	-
	SECTION 2.1. Effective July 1, 2024, 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 the 2024-2025 fiscal year 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 twenty-five thousand dollar	
	(\$925,000) in recurring federal funds for the 2024-2025 fiscal year, and those federal funds are	e
	appropriated to the Division of Health Benefits to be used for this same purpose.	
	PART III. EFFECTIVE DATE	
	SECTION 3.1. Except as otherwise provided, this act is effective when it become	S

29 law.