

REFERENCE TITLE: fertility treatment; access.

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1394

Introduced by
Senators Sundareshan: Alston, Bravo, Diaz, Fernandez, Gabaldón, Hatathlie,
Kuby, Miranda, Ortiz, Sears

AN ACT

AMENDING TITLE 36, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
2; RELATING TO HEALTH CARE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 11, Arizona Revised Statutes, is
3 amended by adding article 2, to read:

4 ARTICLE 2. FERTILITY TREATMENT

5 36-1305. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

8 2. "FERTILITY TREATMENT" MEANS ANY OF THE FOLLOWING:

9 (a) THE PRESERVATION OF HUMAN OOCYTES, SPERM OR EMBRYOS FOR LATER
10 REPRODUCTIVE USE.

11 (b) ARTIFICIAL INSEMINATION, INCLUDING INTRAVAGINAL INSEMINATION,
12 INTRACERVICAL INSEMINATION AND INTRAUTERINE INSEMINATION.

13 (c) ASSISTED REPRODUCTIVE TECHNOLOGY, INCLUDING IN VITRO
14 FERTILIZATION AND OTHER TREATMENTS OR PROCEDURES IN WHICH REPRODUCTIVE
15 GENETIC MATERIAL, INCLUDING OOCYTES, SPERM, FERTILIZED EGGS AND EMBRYOS,
16 IS HANDLED WHEN CLINICALLY APPROPRIATE.

17 (d) GENETIC TESTING OF EMBRYOS.

18 (e) MEDICATIONS THAT ARE PRESCRIBED OR THAT ARE OBTAINED OVER THE
19 COUNTER, AS INDICATED FOR FERTILITY.

20 (f) GAMETE DONATION.

21 (g) ANY OTHER INFORMATION, REFERRALS, TREATMENTS, PROCEDURES,
22 MEDICATIONS, LABORATORY TESTING, TECHNOLOGIES AND SERVICES RELATING TO
23 FERTILITY AS THE DIRECTOR OF THE DEPARTMENT DEEMS APPROPRIATE.

24 3. "HEALTH CARE PROVIDER" MEANS ANY HEALTH CARE INSTITUTION, ANY
25 PRIVATE OFFICE OR CLINIC OF A HEALTH PROFESSIONAL OR ANY HEALTH
26 PROFESSIONAL WHO:

27 (a) IS ENGAGED IN OR SEEKS TO BE ENGAGED IN THE DELIVERY OF
28 FERTILITY TREATMENTS, INCLUDING PROVIDING EVIDENCE-BASED INFORMATION,
29 COUNSELING, REFERRALS OR ITEMS AND SERVICES THAT RELATE TO, AID IN OR
30 PROVIDE FERTILITY TREATMENT.

31 (b) IF REQUIRED TO BE LICENSED, CERTIFIED OR OTHERWISE AUTHORIZED
32 IN THIS STATE, IS LICENSED, CERTIFIED OR OTHERWISE AUTHORIZED.

33 4. "HEALTH PROFESSIONAL" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT
34 TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS LICENSED
35 PURSUANT TO TITLE 32, CHAPTER 15, A PHYSICIAN ASSISTANT WHO IS LICENSED
36 PURSUANT TO TITLE 32, CHAPTER 25 OR ANY HEALTH SUPPORT PERSONNEL AS
37 DEFINED IN RULE BY THE DEPARTMENT OR THE HEALTH PROFESSIONAL'S RESPECTIVE
38 HEALTH PROFESSION REGULATORY BOARD.

39 5. "HEALTH PROFESSION REGULATORY BOARD" MEANS ANY BOARD THAT
40 REGULATES ONE OR MORE HEALTH PROFESSIONS IN THIS STATE.

41 36-1305.01. Access to fertility treatment; rights; rules

42 A. AN INDIVIDUAL HAS A RIGHT WITHOUT PROHIBITION OR UNREASONABLE
43 LIMITATION, INTERFERENCE OR DETRIMENT TO THE INDIVIDUAL'S HEALTH,
44 INCLUDING MENTAL HEALTH, TO DO ALL OF THE FOLLOWING:

45 1. ACCESS FERTILITY TREATMENTS.

1 2. CONTINUE OR COMPLETE AN ONGOING FERTILITY TREATMENT OR PROCEDURE
2 PURSUANT TO A WRITTEN PLAN OR AGREEMENT WITH A HEALTH CARE PROVIDER.

3 3. RETAIN ALL RIGHTS REGARDING THE USE OR DISPOSITION OF THE
4 INDIVIDUAL'S REPRODUCTIVE GENETIC MATERIALS, INCLUDING GAMETES.

5 B. A HEALTH CARE PROVIDER THAT ACTS WITHIN THE HEALTH CARE
6 PROVIDER'S SCOPE OF PRACTICE, IF APPLICABLE, HAS A RIGHT TO DO BOTH OF THE
7 FOLLOWING:

8 1. PERFORM OR ASSIST WITH THE PERFORMANCE OF FERTILITY TREATMENTS
9 OR PROCEDURES.

10 2. PROVIDE OR ASSIST WITH PROVIDING EVIDENCE-BASED INFORMATION
11 RELATED TO FERTILITY TREATMENTS.

12 C. A HEALTH INSURER HAS THE RIGHT TO COVER FERTILITY TREATMENTS OR
13 PROCEDURES.

14 D. THE DEPARTMENT AND THE RESPECTIVE HEALTH PROFESSION REGULATORY
15 BOARDS SHALL ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION.

16 Sec. 2. Exemption from rulemaking

17 Notwithstanding any other law, for the purposes of this act, the
18 department of health services and the health profession regulatory boards
19 are exempt from the rulemaking requirements of title 41, chapter 6,
20 Arizona Revised Statutes, for one year after the effective date of this
21 act.