**South Carolina General Assembly**

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**S. 40**

**STATUS INFORMATION**

General Bill

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Currently residing in the Senate Committee on **Medical Affairs**

Summary: In Vitro Fertilization Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2024 Senate Prefiled

12/11/2024 Senate Referred to Committee on **Medical Affairs**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/40_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “IN VITRO FERTILIZATION ACT” BY ADDING CHAPTER 140 TO TITLE 44 SO AS TO ADD A DEFINITION FOR “ASSISTIVE REPRODUCTIVE TECHNOLOGIES” AND TO PROVIDE RELATED PROTECTIONS TO ACCESS THESE TECHNOLOGIES; AND BY ADDING SECTION 16‑3‑100 SO AS TO PROVIDE THAT A FERTILIZED HUMAN EGG OR HUMAN EMBRYO OUTSIDE OF THE UTERUS OF A HUMAN BODY IS NOT CONSIDERED AN UNBORN CHILD OR ANOTHER TERM THAT CONNOTES A HUMAN BEING FOR ANY PURPOSE UNDER STATE LAW.

Whereas, this In Vitro Fertilization Act shall refer to all medically accepted assistive reproductive technologies; and

Whereas, this State has an interest in providing protections to all family units seeking to use these medically accepted assistive reproductive technologies; and

Whereas, recognizing the intrinsic value of individuals’ autonomy in family‑building decisions is fundamental to fostering a supportive and inclusive society; and

Whereas, acknowledging the diverse paths to parenthood and the importance of safeguarding individuals’ rights to make informed choices regarding their reproductive journey; and

Whereas, affirming that creating a legal framework which respects and protects the diverse ways individuals choose to create their families is essential for promoting a society that values inclusivity and reproductive freedom. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “In Vitro Fertilization Act.”

SECTION 2. Title 44 of the S.C. Code is amended by adding:

CHAPTER 140

Assistive Reproductive Technologies Protection

Section 44‑140‑10. For purposes of this chapter, “assistive reproductive technologies” means treatments or procedures that involve the handling of human egg, sperm, and embryo outside the body with the intent of facilitating a pregnancy. Assistive reproductive technologies include, but are not limited to, in vitro fertilization, egg, embryo, or sperm cryopreservation, egg or embryo donation, and gestational surrogacy.

Section 44‑140‑20. It is the public policy of this State to protect and promote equitable access to the full range of assistive reproductive technologies. Any undue burden placed on a person seeking to utilize assistive reproductive technologies is a violation of this section.

Section 44‑140‑30. Practitioners of assistive reproductive technologies are not required to preserve eggs, sperm, or a fertilized human embryo outside the human body. However, a patient, after consultation with h practitioner, may choose to preserve eggs, sperm, or a fertilized human embryo outside the human body. If the patient chooses to preserve eggs, sperm, or a fertilized human embryo outside the human body, then the practitioner must provide for appropriate preservation in accordance with generally accepted medical standards.

SECTION 3. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑100. Any 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 child, a minor child, an unborn person, an unborn fetus, a natural person, or any other term that connotes a human being for any purpose under state law including, but not limited, under any provision of Chapter 3, Title 16 or Chapter 41, Title 44.

SECTION 4. This act takes effect upon approval by the Governor.

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