

HB642 INTRODUCED



1 HB642
2 ARBP47Q-1
3 By Representatives Lands, Daniels, Rafferty
4 RFD: Health
5 First Read: 19-Mar-26



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SYNOPSIS:

Under existing Alabama law, there is no explicit recognition of the right to distribute and use contraceptives or to use assisted reproductive technologies such as in vitro fertilization.

This bill would recognize that individuals have the right to engage in contraception and use assisted reproductive treatments, and that health care providers have the right to provide these services and related information about their use.

This bill would further provide for enforcement of these rights by permitting the Attorney General, health care providers, and individuals to bring a civil suit to enjoin the enforcement of any law, rule, or policy that prohibits or interferes with the distribution and use of contraceptives or the provision of assisted reproductive treatments.

A BILL
TO BE ENTITLED
AN ACT



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31 Relating to human reproduction; to provide that
32 individuals have the right to use contraception and assisted
33 reproductive technologies, and that health care providers have
34 the right to administer the same; to prohibit the state and
35 political subdivisions from enforcing any law that would
36 interfere with contraception or assisted reproduction
37 treatment; and to further provide for a civil cause of action
38 by the Attorney General, health care providers, and consumers
39 to enforce this act.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. This act shall be known as the "Alabama
42 Family Planning Act."

43 Section 2. For the purposes of this act, the following
44 terms have the following meanings:

45 (1) ASSISTED REPRODUCTIVE TREATMENT. The term includes:

46 a. As defined by the American Society of Reproductive
47 Medicine, any treatment that includes the handling of eggs or
48 embryos with the intent of establishing pregnancy, including,
49 but not limited to, in vitro fertilization, gamete
50 intrafallopian transfer, pronuclear stage tubal transfer,
51 tubal embryo transfer, and zygote intrafallopian transfer.

52 b. A medically assisted reproduction to treat different
53 forms of fertility impairment or fertility, which may include
54 ovulation induction, ovarian stimulation, ovulation
55 triggering, uterine transplantation, or intrauterine,
56 intra-cervical, or intra-vaginal insemination.



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57 (2) CONTRACEPTION. The use of a contraceptive.

58 (3) CONTRACEPTIVE. Any drug, device, biological
59 product, or method that is intended for use in the prevention
60 of pregnancy, whether specifically intended to prevent
61 pregnancy or for other health needs, and that is legally
62 marketed under the federal Food, Drug, and Cosmetic Act,
63 including, but not limited to, the following:

- 64 a. Oral contraceptives.
- 65 b. Intrauterine devices.
- 66 c. Hormonal implants and injectables.
- 67 d. Emergency contraceptives.
- 68 e. Internal and external condoms.
- 69 f. Vaginal barrier methods.
- 70 g. Transdermal patches.
- 71 h. Vaginal rings.

72 (4) HEALTH CARE PROVIDER. A person engaged in providing
73 health care which dispenses legally marketed contraceptives or
74 provides assisted reproductive treatment to individuals. The
75 term includes:

- 76 a. A physician, physician assistant, certified nurse
77 practitioner, midwife, or a pharmacist licensed pursuant to
78 Title 34, Code of Alabama 1975;
- 79 b. A hospital, clinic, emergency center, reproductive
80 health service, or other health care institution or service
81 licensed pursuant to Title 22, Code of Alabama 1975; or
- 82 c. A pharmacy.
- 83 d. Any individual who acts under the direction of any
84 individual, institution, or service listed in paragraphs a.



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85 through c.

86 Section 3. (a) An individual who resides in the State
87 of Alabama shall have the right to obtain contraceptives and
88 to engage in contraception. A health care provider shall have
89 the right to dispense contraceptives and provide information
90 about contraception.

91 (b) An individual who resides in the State of Alabama
92 shall have the right to use available assisted reproductive
93 treatment and make all decisions regarding the custody and
94 control of their eggs, sperm, and embryos resulting from the
95 assisted reproductive treatment, including, but not limited
96 to, the ability to transfer rights concerning embryos to
97 another individual or entity. A health care provider shall
98 have the right to provide assisted reproductive treatment and
99 distribute information about assisted reproductive treatment.

100 (c) The rights recognized in this section may not be
101 infringed upon by any law, rule, or policy that expressly
102 limits, delays, or impedes access to contraceptives or
103 assisted reproductive treatment or information about
104 contraception or assisted reproductive treatment.

105 Section 4. (a) The state, any department, agency, or
106 instrumentality of the same, or any political subdivision of
107 the state, may not implement, administer, or enforce any law,
108 rule, or policy that has the effect of any of the following:

109 (1) Prohibiting or restricting the sale, provision, or
110 use of any contraceptive that has been approved by the U.S.
111 Food and Drug Administration for contraception.

112 (2) Prohibiting or restricting any health care provider



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113 from aiding an individual in obtaining or using any
114 contraceptive approved by the U.S. Food and Drug
115 Administration.

116 (3) Prohibiting or restricting the sale, provision, or
117 use of any drug or therapy that has been approved by the U.S.
118 Food and Drug Administration for use in assisted reproductive
119 treatment.

120 (4) Prohibiting or restricting any health care provider
121 from providing assisted reproductive treatment or information
122 about assisted reproductive treatment.

123 (b) Any individual or entity that is subject to a law,
124 rule, or policy that violates this act may assert this section
125 as a defense in any action to enforce the law, rule, or policy
126 against the individual or entity.

127 Section 5. (a) The Attorney General may commence a
128 civil action in the circuit court for injunctive relief
129 against any person that implements, administers, or enforces
130 any law, rule, or policy that violates, or that has the effect
131 of violating, this act.

132 (b) (1) Any health care provider or individual adversely
133 affected by a violation of this act may commence a civil
134 action in circuit court for injunctive relief against any
135 person that implements, administers, or enforces any law,
136 rule, or policy that violates, or that has the effect of
137 violating, this act.

138 (2) A health care provider may commence a civil action
139 on the health care provider's behalf, or on behalf of the
140 health care provider's patients, clients, or patrons who are



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141 or who may be adversely affected by a violation of this act.

142 (c) (1) In any action commenced under this section, a
143 party alleged to implement, administer, or enforce a law,
144 rule, or policy in violation of this act may assert one of the
145 following defenses:

146 a. The law, rule, or policy significantly advances the
147 safety of contraceptives, assisted reproductive treatments, or
148 the quality of information about the same, or the health of
149 users, in a way that cannot be advanced by an alternative
150 measure or action that is less restrictive.

151 b. The law, rule, or policy that is being applied to a
152 contraceptive or assisted reproductive treatment is also being
153 applied to other medically similar drugs, devices, treatments,
154 therapies, biological products, or methods.

155 (2) A defense asserted under subdivision (1) must be
156 established by clear and convincing evidence in order to bar a
157 a claim brought under this section.

158 Section 6. This act shall become effective on October
159 1, 2026.