

## **Republican Attacks on IVF are Sincere and Increasing**

The concept of fetal or embryonic personhood is a full-frontal attack on reproductive freedom—it is the basis for denying access to abortion and contraception and can make things dramatically worse in environments where pregnancy decisions and pregnancy outcomes are already being policed and criminalized. The idea of a fetus or embryo as a legal person has gone from a fringe, far-right idea to the “ascendant framework of anti-abortion states,” according to a [report](#) from Pregnancy Justice.

While fetal personhood efforts have gained greater attention in early 2024, the concept has been a part of the anti-reproductive freedom movement for decades and has been presented in various types of legislation. Since the *Dobbs* decision opened the floodgates to dozens of Republican abortion bans and restrictions, fetal personhood efforts have come into greater focus. The extreme ideology of fetal personhood [fundamentally changes](#) the legal rights and status of all pregnant women and forces them to forfeit their own personhood once they become pregnant. Efforts to establish fetal personhood also stigmatize—and could put an end to—IVF care and other assisted reproductive technology (ART). As Senator Patty Murray (D-WA) has repeatedly [made clear](#), **“you cannot support IVF and support fetal personhood laws. They are fundamentally incompatible!”**

### **State personhood measures and additional proposals that would negatively impact access to IVF:**

- 19 states have either broad personhood provisions in their law, language on personhood or defining “unborn children” in their criminal code or case law expanding the definition of child under state law to include fetuses, according to a [report from Pregnancy Justice](#). Alabama and Arkansas have such language in their constitutions.
- During the most recent legislative session in 13 states, lawmakers introduced bills that could give some of the same rights to embryos and fetuses that generally protect a person (see: Guttmacher analysis on [state policy trends](#) from 2024 Q1).
- While none of those passed, other measures that threaten access to fertility care did.
- For example, the Iowa House [passed a bill](#) that would increase criminal penalties for causing someone to lose a pregnancy without their consent and would change the term “terminates a human pregnancy” to “causes the death of an unborn child.”
- Additional examples of Republican-led proposed personhood legislation in 23-24 state sessions:
  - [Kansas HB 2653/SB 232](#): Providing child support orders for unborn children from the date of conception.
  - [Kentucky SB 110](#): Amend KRS 403.211 to allow a child support action to be filed at any time following conception in the county where the mother resides.
  - [Mississippi HB 318](#): Fatherhood begins at conception act
  - [Missouri HB 1616](#): The life of each human person begins at conception...As used in this section, the term "unborn children" or "unborn child" shall include all unborn child or children or the offspring of human beings from the moment of conception until birth at every stage of biological development.
  - [Missouri SB 1145/HB 2789](#): Modifies provisions of law relating to custody of in vitro human embryos
  - [Missouri SB 775](#): to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state..."Person", includes a human being, including an unborn child at every stage of development from the moment of fertilization until birth
  - [South Carolina H 3549](#): South Carolina Prenatal Equal Protection Act of 2023
  - [South Carolina S 5275](#): A Bill to Amend The South Carolina Code Of Laws By Adding Section 38-63-110 So As To Require Insurers That Issue Individual Life Insurance Policies To Offer Life Insurance Coverage For Embryos; And By Adding Section 38-65-130 So As To Require Insurers That Issue Group Life Insurance Policies To Offer Life Insurance Coverage For Embryos
  - [West Virginia H 5041](#): Life at Conception Act

## Recent anti-IVF rhetoric from Republicans, right-wing groups

### Federal elected officials:

- In the House and Senate, hundreds of Republicans have signed on to legislation, the *Life at Conception Act*, that could threaten the use of IVF for pregnancy, a process in which unused embryos or those with abnormalities can be discarded.
- Senator Marco Rubio: “The ethical dilemma that this poses is in order to create life, you have to destroy life because you'll create embryos that are not going to be used. And it's a very difficult bioethical issue. And it's one that the practitioners themselves confront. And look. That's what makes it complex. And it's a balancing act that as a society we're going to have to make.”
- Former Republican presidential candidate Nikki Haley told NBC News that she supported the Alabama ruling, stating, “[Embryos, to me, are babies.](#)” A few hours later, Haley seemed to [walk back her comment on CNN](#), adding, however, that she still believes “an embryo is an unborn baby.”
- At the Conservative Political Action Conference, Sen. Tommy Tuberville, R-Ala., [replied](#), “Yeah, I was all for it,” when asked what he thought of the decision finding that embryos are children.

### Texas GOP Platform 2024 debates:

- Last month, the Texas Republican Party’s platform committee narrowly rejected a proposal classifying embryos created through IVF as “human being(s)” and calling for a state law to designate their destruction as a “homicide.” Texas has the [third-highest](#) number of IVF births in the country, with nearly 7,000 infants born through assisted reproductive technology in 2021.
- Referring to frozen embryos as “snowflake babies,” the draft platform plank urged lawmakers to require any frozen embryos be “maintained by the State” until they can be thawed and implanted “by either the couples who paid to create them or by couples who are willing to adopt and implant the embryos as their own children.”
- “We call ourselves believers, we believe in the dignity of life,” said JR Haas, a GOP delegate from Harris County, in appealing to the religious and anti-abortion beliefs of his fellow delegates. “Many of us don't know that a secular world has created ways to make life in a petri dish. ... We need to be raising young men and young women who are selfless enough to actually adopt and raise an embryo in their own womb,” he said.

### Alabama Supreme Court

- “Human life cannot be wrongfully destroyed without incurring the wrath of a holy God.” – Alabama Supreme Court Chief Justice Tom Parker, concurring in the court’s anti-IVF decision in *LePage*.

### Heritage Foundation

- The Conservative Think Tank has launched a concerted effort to “regulate”—thereby restricting access and advancing personhood principles and measures—IVF, which is already one of the most highly regulated forms of medicine in the United States. (See: [Why the IVF Industry Must Be Regulated](#))

### Southern Baptists

- The Southern Baptist Convention moved to adopt a resolution opposing in vitro fertilization (IVF). The resolution calls on Southern Baptists “to advocate for the government to restrain actions inconsistent with the dignity and value of every human being, which necessarily includes frozen embryonic human beings.” Albert Mohler, president of The Southern Baptist Theological Seminary published [this piece](#) filled with anti-IVF rhetoric and proudly boasting of being anti-IVF for 20 years.
- The SBC’s public policy arm, the Ethics & Religious Liberty Commission, penned a [letter to Congress](#) urging members to oppose expanded access to IVF.