

OPINION

Michael Frerichs: Conservatives are targeting IVF. Women deserve a choice.



Culture dishes are prepared to collect eggs after egg retrieval on Jan. 17, 2024, at the Fertility Center Berlin. (Jens Kalaene/Getty)



By **MICHAEL FRERICHS**

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The new battlefield over abortion rights centers on the use of in vitro fertilization. It's a battle that is highly personal for me and my wife, Erica.

Last summer, we became the parents of twin sons Max and Theo. For this blessed event to happen, we needed reproductive health care. Erica has endometriosis, a condition that makes it difficult to conceive a child naturally. It affects an estimated 11% of women in our country, according to the U.S. Department of Health and Human Services. In vitro fertilization made it possible for Erica to conceive and for us to start a family.

Now Alabama, Florida and Missouri want to take away a woman's right to use IVF to have a child, emboldened by the U.S. Supreme Court's 2022 disastrous Dobbs decision that took away the constitutional right to abortion.

After the Supreme Court overturned Roe, the "personhood" debate took center stage, with Republicans attempting to define a fertilized egg or embryo as a legal human entity. During IVF, a doctor collects eggs from a woman, sperm is used to fertilize the eggs outside the body and one fertilized egg is implanted at a time.

For Erica, a doctor collected eggs during four rounds. Five days after fertilization, we had four embryos. After testing, only one of them was viable. “Personhood” laws would consider the unviable collections of cells people, and doctors or their patients would be considered to have committed a crime by disposing of them.

Such laws could have widespread impact. About 1 in 5 women in the U.S. with no prior births have fertility challenges.

In Alabama, the state Supreme Court last week ruled that frozen embryos are children and have the same legal rights as other “unborn children.” Justice Greg Cook, who offered a dissenting opinion, wrote that the decision “almost certainly ends” IVF in Alabama. This is an unjust ruling that takes away a reproductive right from women.

In Florida, two Republican lawmakers are pushing a bill that would allow parents to recover lawsuit damages for the wrongful death of a fetus or unborn child. The idea is to scare off doctors from providing abortion care and fertility treatments. Lawmakers there already passed a bill to make abortion virtually illegal.

“As a woman who had to utilize assisted reproductive technology to have my children, it is frightening for me that there’s a piece of legislation moving through the process that would basically make it untenable to utilize this type of medicine to achieve creating a family,” Florida Senate Democratic Leader Lauren Book told HuffPost. “It’s really, really scary.”

In Missouri, ultraconservative lawmakers are trying to pass another personhood law, one requiring judges to decide embryo custody disputes by ruling in favor of the person most likely to create a child from the embryos. Medical organizations say that personhood laws could criminalize some contraceptives and restrict infertility treatments. Critics say the Missouri measure would cause people to hesitate before creating embryos.

Sean Tipton, chief advocacy and policy officer for the American Society for Reproductive Medicine, told the Missouri Independent that such decisions should be left to the people involved in creating the embryo and not politicians. I agree.

Fortunately, Erica and I live in Illinois. Although right-wing groups here want to ban IVF, last year, our governor and state lawmakers enacted a law protecting people’s decisions to use IVF to have children.

This year, state Sen. Natalie Toro of Chicago is sponsoring a bill that would require Illinois-regulated insurance companies to provide coverage for standard fertility preservation services, including IVF.

“Many women, including myself and those close to me, experience profound anxiety about running out of time to start a family and facing barriers to preserving their fertility,” Toro said. “Requiring insurers to cover expenses for standard fertility preservation for all, not just those diagnosed with infertility, will give people the security to explore their options about having a family without facing emotional and financial stress.”

At the federal level, Illinois U.S. Sen. Tammy Duckworth is fighting to make it a legal right for patients to access IVF, continue treatments and retain authority over how sperm or egg cells are used during such treatments. Such legislation is critical, given that new U.S. House Speaker Mike Johnson supports banning IVF. He is a co-sponsor of the Life at Conception Act, a nationwide abortion ban that also would affect embryos created for IVF.

Thankfully, prominent women are talking about the importance of IVF. [ABC-7 meteorologist Cheryl Scott](#) recently shared the story of her long, exhausting and emotional experience of freezing her eggs twice so that women know they’re not alone.

For Erica, the IVF process took several years and was physically and mentally challenging. Erica gave birth in June, and Theo fought for his life for nearly two months in the neonatal intensive care unit. We are so thankful to the doctors and nurses at Northwestern University’s Prentice Women’s Hospital who helped make sure we were able to take him home.

We are relieved that we live in a state that gives women reproductive freedom. Government should not deny women the medical help they need.

Michael Frerichs is the Illinois treasurer.

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