



UNFAVORABLE STATEMENT

HB95 - Assisted Reproductive Treatment – Informed Consent and Fraud

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On behalf of the Board of Directors of Maryland Right to Life, Inc. and our many chapters across the state, we oppose House Bill 95 and seek your unfavorable report. Regardless of one's position on in vitro fertilization, the language of this bill reduces motherhood to a contractual transaction and treats women and embryonic human beings as mere commodities to be bought and sold. This disregard and disrespect for new human life and for women's sacred role as mothers is dangerous as it would allow egregious violations of human rights.

As noted by the United States Supreme Court in *Dobbs v. Jackson Women's Health Organization*, states have an interest in protecting maternal health and preserving prenatal life. Accordingly, this State has an interest in ensuring protection for mothers who undergo ART and for the health of children conceived through ART. For this reason we urge your unfavorable report.

ART Is Not Healthcare

While we support informed consent requirements as an essential component of healthcare, assisted reproductive technologies (ART) including in vitro fertilization (IVF) are not healthcare and cure no disease. IVF may enable many married couples who suffer various forms of infertility to experience the joy of parenthood with biologically-related children. However, IVF is not a cure for infertility and therefore cannot be defined as "healthcare".

ART raises fundamental questions regarding medical ethics and undermines the nature of parenthood, the parent-child relationship, the identity of children, and the health of women and future children. ART is a broad term which encompasses IVF and all newer forms of reproductive technology. ART may include commercial experimentation on embryonic human beings, human cloning, and unethical embryonic stem cell research.

The ART industry is a multi-billion dollar business that engages in the buying and selling of human embryos, ova and sperm for profit. It can also involve financial remuneration for mass embryo harvesting from [human hosts](#) and related human trafficking of human ovum (egg) "mules", fertilization by multiple sperm donors, and the sale of embryonic human beings for cosmetic testing or other commercial uses.

House Bill 95 Exploits Women and Commercializes Conception

The bill shows a wanton disregard for the human rights of both women and children. The bill seeks to redefine "mother" and reduce biological mothers to mere commercial ovum (egg) and embryo "donors". This change in the code would strip women of their parental rights under the law and allow the ART industry to exploit women for profit increasing the risks of future health and pregnancy complications.



As a result of this change in language, mothers would be left only with contractual rights. The bill provides no required terms for such contracts, which would be determined by the profit-minded provider. ART targets young women of childbearing age, particularly those facing economic challenges such as paying college tuition. These young women cannot be expected to possess the ability to fully understand ART or related contractual terms and do not have equal bargaining power with well-funded ART labs which target them to buy human ova and embryonic children.

While ensuring women give informed consent would afford some protections to young women, the ART industry is inseparable from the commercialization of motherhood at the expense of women's health and future fertility.

Human Embryos are Living Human Organisms Worthy of Protection

ART industry practices are dependent on the biological fact that a human life begins at fertilization, yet the industry has been unaccountable in providing a standard of medical care that recognizes and protects the new human lives created. This bill seeks to redefine living human beings in their embryonic stage as mere products or **"reproductive material"**. Not only is this definition scientifically inaccurate, it is an outrageous attempt to deny the humanity of preborn children and to rob them of their human rights and dignity.

Through In Vitro Fertilization (IVF), large numbers of embryonic human lives are created then destroyed. In fact, at least 90% of these human organisms do not survive, are destroyed, discarded, or frozen for storage. This overwhelming destruction of human life alone is enough to demonstrate that this practice is not "healthcare" and is not worthy of public funding. (See [The Facts of Life: A Review of the Science and Ethics of IVF](#) David A. Prentice, Ph.D.)

ART also includes new technologies like pre-implantation genetic diagnosis (PGD), which encourage the termination or disposal of embryonic humans not deemed "perfect" or "fit". There is a high prevalence of misdiagnosis of embryonic and fetal abnormalities when using genetic testing. The financial value of abandoned embryonic human beings for experimentation and cosmetic purposes only incentivizes misdiagnosis.

The State Has a Duty to Adopt Reasonable Health and Safety Standards for ART

ART must be regulated to protect the health of mothers and the children conceived, and to preserve parental relationships and the dignity of human procreation. At minimum, this Assembly should establish legislative guardrails to accomplish the following common sense objectives:

- (1) Protect the safety and well-being of women who use ART and the children conceived through ART;
- (2) Establish standards for obtaining informed consent from couples and individuals seeking ART;
- (3) Require adequate annual reporting for facilities providing ART services to the Maryland Department of Health and U.S. Centers for Disease Control and Prevention;



(4) Stem the proliferation of cryopreserved human embryos being stored in fertility clinics and bring the State of Maryland into line with international norms by limiting the number of embryos that can be created in any reproductive cycle;

(5) Reduce the risk of high-order multiple gestations, pre-maturity, and other complications to mothers and children by limiting the number of embryos transferred in any reproductive cycle; and

(6) Reduce the risks of fetal reduction to mothers and children.

The State Should Prioritize Adoption and Life-Affirming Alternatives

In a 2024 Marist poll, 86% of people responded that laws can protect the lives of both mothers and children. Tragically, since 1973 and the imposition of federal abortion mandates under *Roe v. Wade*, domestic adoption programs have been all but obliterated due to the staggering number of abortions (over 65 million lives destroyed). Unfortunately, many individuals dealing with infertility cannot afford the expense of foreign adoptions. Instead of prioritizing and subsidizing abortion violence or ART, the State of Maryland should prioritize funding for life-affirming alternatives, including improving domestic adoption programs to meet the needs of couples dealing with infertility.

ART Additional Information

Since the first in vitro fertilization (IVF) birth was reported in the United States, the provision of IVF has become a multi-billion dollar industry.¹ Between 2015 and 2019, approximately 14.3% of American women aged 25-44 had used infertility services.¹²

ART procedures are elective and expensive. Each cycle can cost \$10,000 to \$15,000 or more. Surrogacy and mass human embryo harvesting using human mules cost much more both financially and in the cost to society for the loss of human dignity.

Regulation of IVF is highly inconsistent across the states, with the U.S. described as “the Wild West of the fertility industry.”² This lack of regulation has led to the large-scale creation of embryonic human beings without oversight or accountability. There are now hundreds of thousands cryopreserved human embryos in laboratories across the United States, with unknown numbers being discarded each year.

Abuses of IVF – by doctors and patients alike – are also publicized from time to time, as the infamous case of the “Octo-Mom” aptly demonstrates.⁸ In 2008, “Octo-Mom” Nadya Suleman had her fertility doctor implant 12 embryos into her.⁹ Not only was this six times the normal amount for a woman of Suleman’s age, it also subjected Suleman and her preborn children—eight of which survived the transfer and were carried to term—to numerous health risks.¹⁰

Only one federal statute, the Fertility Clinic Success Rate and Certification Act of 1992 (42 U.S.C. § 263a-1, et seq.), directly regulates ART procedures by requiring the reporting of clinic success rates.



A number of other nations regulate specific aspects of ART including the number of embryos that can be created. Belgium, Brazil, Denmark, Germany, Hungary, Italy, Saudi Arabia, Singapore, Spain, Sweden, Switzerland, and the United Kingdom limit the number of embryos that can be transferred per treatment cycle, typically limiting the number transferred to two (2) or three (3) embryos.

Voluntary self-regulation of ART programs is ineffective. Not all ART programs or facilities are members of professional organizations, such as the Society for Assisted Reproductive Technology (SART) or the American Society for Reproductive Medicine (ASRM). Moreover, these professional organizations do not independently confirm that their members follow their voluntary guidelines.

In most cases, ART involves the creation of multiple embryos, some of which are not subsequently used in the implantation (transfer) procedure but are destroyed, die or are used for experimentation.

Informed consent is one of the core principles of ethical medical practice, and every patient has a right to information pertinent to an invasive medical procedure. Further, ART is unique because it produces a third party—the prospective child—who must also be considered and protected. Due to the significant risks ART poses to women, the standard for informed consent should be raised.

Thorough recordkeeping and reporting are necessary to ensure meaningful public education about the rates of success for ART and the costs, risks, and benefits of ART, and to ensure proper accountability.

One problem associated with ART is high-order multiple pregnancies (three (3) or more embryos implanting) and the associated risks to the health of mothers and children.

Fetal reduction in the event of a high-order multiple pregnancy involves significant risks to the mother and to children subsequently born.

1 Michael Ollove, Lightly regulated in vitro fertilization yields thousands of babies annually, WASH. POST (Apr. 13, 2015, 3:26 PM), http://www.washingtonpost.com/national/health-science/lightly-regulated-in-vitro-fertilization-yields-thousands-of-babies-annually/2015/04/13/f1f3fa36-d8a2-11e4-8103-fa84725dbf9d_story.html.

2 Naomi Cahn, UVA Law Professor Examines the “Wild West” of the Fertility Industry, UVA (Sept. 13, 2021), <https://news.virginia.edu/content/uva-law-professor-examines-wild-west-fertility-industry#:~:text=In%20the%20U.S.%2C%20government%20regulation,issue%20concerning%20conceptio n%20or%20embryos>.

8 See Octomom’s Fertility Doctor Has License Revoked, CBS NEWS (June 2, 2011), <https://www.cbsnews.com/news/octomoms-fertility-doctor-has-license-revoked/>.

9 Id.

10 Id.

12 Centers for Disease Control and Prevention, QuickStats: Percentage* of Women Aged 25–44 Years Who Had Ever Used Infertility Services,† by Type of Service — National Survey of Family Growth, United States, 2006–2010 and 2015–2019 (Oct. 8, 2021), <https://www.cdc.gov/mmwr/volumes/70/wr/mm7040a5.htm>.