

# [***What to know about Alabama's fast-tracked legislation to protect in vitro fertilization clinics***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BGH-6DM1-JC5B-G2X4-00000-00&context=1516831)

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**Body**

Alabama lawmakers are moving fast to approve measures this week to protect in vitro fertilization clinics from lawsuits in response to an uproar sparked by last month's [*state Supreme Court ruling*](https://apnews.com/article/alabama-supreme-court-from-embryos-161390f0758b04a7638e2ddea20df7ca) that found frozen embryos have the rights of children under the state’s wrongful death law.

Gov. Kay Ivey, a Republican, is expected to sign one of the two bills into law.

Either of the two bills would give [*legal protection for fertility clinics*](https://apnews.com/article/alabama-ivf-frozen-embryos-legislation-immunity-68d773d6ee89107c9a2e569110e7e31f), at least three of which paused IVF treatments after the court ruling to assess their new liability risks.

Here are things to know about the bills and the process of turning one of them into law.

**WHAT'S IN THE LEGISLATION?**

Both the state Senate and the House are advancing identical legislation that would protect IVF providers and their employees from civil lawsuits and criminal prosecution over the destruction of or damage to an embryo.

While the legislation protects medical providers, lawmakers amended the bills on Tuesday to allow certain civil lawsuits against companies that make equipment used for IVF if the equipment damages or destroys an embryo.

Either measure, if signed into law, would take effect immediately and would apply retroactively to any past damage or destruction that is not already the subject of a lawsuit.

Lawmakers say IVF providers have told them that the protections are enough to get them to resume services.

**WHAT'S NOT ADDRESSED IN THE MEASURES?**

The bills are silent on whether embryos outside the body are legally considered children.

In a February ruling to allow wrongful death lawsuits filed by couples whose frozen embryos were destroyed in an accident at a fertility clinic, the Alabama Supreme Court ruled that the wrongful death law “applies to all unborn children, regardless of their location.” The ruling cited an anti-abortion provision added to the state constitution in 2018 that protects the “rights of unborn children.”

It's not new to apply wrongful death and other laws to fetuses and embryos. But it was a significant development for a court to say that applies to embryos outside the body, too.

The American Society for Reproductive Medicine, which represents IVF providers nationwide, said the legislation is insufficient because it doesn't undo the ruling that considers fertilized eggs to be children.

One lawmaker wanted to amend the House bill to prohibit clinics from [*intentionally discarding embryos*](https://apnews.com/article/frozen-embryo-alabama-ivf-045123bb4061398e9e3c809e3ecf26dd), but that was rejected.

**WHY IS THIS ATTRACTING SO MUCH ATTENTION?**

The Alabama Supreme Court's ruling is the first time since the U.S. Supreme Court overturned Roe v. Wade and ended a nationwide right to abortion in 2022 that the fallout has extended to restrict IVF.

Many abortion opponents support IVF. But some want embryos and fetuses to be given the legal rights of children, a development that could pave the way to abortion bans.

Alabama is one of the 14 states that has begun enforcing a ban on abortions at all stages of pregnancy in the past two years.

**WHO'S BEHIND THE LEGISLATION?**

Republican lawmakers are sponsoring both measures in a state where ***politics*** are dominated by Republicans.

And they have strong [*support from lawmakers*](https://apnews.com/article/frozen-embryo-alabama-ivf-045123bb4061398e9e3c809e3ecf26dd). The House version moved ahead last week on a 94-6 vote and the Senate one was unanimous, 32-0.

Former President Donald Trump, who is seeking to return to the White House, said last week that he would “strongly support the availability of IVF.”

Nathaniel Ledbetter, Alabama's House speaker said [*it was a priority*](https://apnews.com/article/alabama-ivf-embryo-frozen-aec76246aad81bc58cd9e51e422a4521): “Alabamians strongly believe in protecting the rights of the unborn, but the result of the State Supreme Court ruling denies many couples the opportunity to conceive, which is a direct contradiction.”

**WHAT'S THE LEGISLATIVE PROCESS?**

Lawmakers put these measures on a fast track.

Each one has already been adopted by the chamber where it originated and has been sent to the other.

The bills were both advanced by legislative committees on Tuesday.

Lawmakers are expected to give final approval to one — or maybe both — on Wednesday and send legislation to Gov. Ivey, who could sign one into law the same day.

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