

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



*An embryologist holds a dish with embryos. Experts say an Alabama Supreme Court ruling that said embryos are “unborn children” stems from a decades-old movement to create “personhood” laws.
(Sandy Huffaker/Getty Images)*

Alabama resident Hannah Miles and her husband are trying to conceive via in vitro fertilization, treatment that has already cost them nearly \$40,000, according to [States Newsroom](#) reporter Kelcie Moseley-Morris.

An unprecedented state Supreme Court [decision](#) issued earlier this month classified frozen embryos as “children,” leading her provider, Alabama Fertility, and several other clinics to pause IVF treatments. The March transfer of an embryo into Miles’ uterus can move forward, she said, but if this one doesn’t work, further egg collection is off the table because of the ruling.

“It’s heartbreaking, and it’s something you don’t think you’ll ever have to face,” Miles, 29, said. “Now we’re here, and we’re paying \$20,000 a cycle in the hopes that maybe one day we’ll get a baby, and now we’re facing not even being able to pay exorbitant amounts of money to be able to have a baby.”

She said she’ll encourage lawmakers to pass legislation protecting IVF. **Alabama’s elected officials on both sides of the aisle have moved to pass measures shielding the treatment.**

House Democrats introduced a [bill](#) last week that would declare that a fertilized human egg or human embryo is not “an unborn child or human being for any purpose under state law.” Republican state Sen. Tim Melson is drafting a measure that would deem an embryo a potential life, not a human life, until it’s transferred to the uterus and doctors detect a viable pregnancy.

Republican **Attorney General Steve Marshall**, whose office is wrapped up in a federal [lawsuit](#) over whether he can sue people who help Alabamians get abortions elsewhere, said he won’t prosecute IVF providers or patients following the court decision, [Alabama Reflector](#) reported.

Factions of the anti-abortion rights movement have tried to extend legal “personhood” status to embryos and fetuses for more than 40 years, experts said.

Rutgers University historian and professor Margaret Marsh said **some abortion opponents recoiled when the world’s first IVF baby was born in 1978**. “Their goal was to try to make sure that the American people would think of embryos as people,” Marsh said. The U.S. Senate voted against a proposed constitutional amendment in 1983 that would have legally established that human life starts at conception.

Today, at least **38 states have “fetal homicide” laws** that allow someone to be prosecuted for the death of a fetus, according to [Pregnancy Justice](#), a reproductive rights organization. In 2019, officials notably charged an Alabama woman with manslaughter over the death of her fetus after someone shot her in the stomach, according to [The New York Times](#). National outcry followed, and prosecutors eventually dropped charges.

Still, larger attempts to get voters to codify “fetal personhood” have failed in Alabama, Mississippi and North Dakota. Legislative attempts to extend human status to fetuses, embryos and the like have proliferated in [Kansas](#), [Florida](#) and [Idaho](#).

THE BEAT *States Newsroom coverage*

Anti-abortion rights think tank stands by retracted studies cited in mifepristone case



*Pat Mahoney, Peggy Nienaber and Mark Lee Dickson pray in front of the U.S. Supreme Court on April 21, 2023. The justices will weigh a case about abortion medication next month.
(Chip Somodevilla/Getty Images)*

Researchers behind [three retracted scientific studies](#) cited by plaintiffs in a case before the U.S. Supreme Court concerning a major abortion pill are standing by their work.

Charlotte Lozier Institute, the research arm of Susan B. Anthony Pro-Life America, told [States Newsroom](#) reporter Sofia Resnick that the retractions are a “baseless ideological attack.” Sage Journals took issue with core problems in the study design and methodology.

The institute accused **Chris Adkins** — a South University pharmaceutical sciences professor in Georgia who flagged the studies’ inconsistencies to Sage — of being an abortion rights advocate. Adkins signed onto an [amicus brief](#) in the lawsuit filed by reproductive health researchers defending mifepristone’s safety and efficacy. But the once conservative Texan doesn’t have a history of advocacy and maintains that his issue was with the scientific errors throughout the research.

“The main concern is that now, instead of focusing on the science, it’s going to be contorted and twisted as a political maneuver,” Adkins said.

Experts doubt that the conservative-leaning court will take the retractions seriously, even though the court’s ruling could have severe consequences for medication abortion access and reproductive health. “I think that the judges will find a way to support the view that they feel like they want to reason towards, and two studies disappearing is not going to change that,” said David Cohen, a Drexel University law professor and reproductive rights advocate.

Cohen dismissed the studies as “junk science.” The work was also cited by U.S. District Judge Matthew Kacsmaryk in April. Kacsmaryk ruled in favor of anti-abortion group **Alliance for Hippocratic Medicine**, who argued the U.S. **Food and Drug Administration’s** decades-old approval of mifepristone should be revoked. That ruling was quickly appealed by the Biden administration and indefinitely stayed by the Supreme Court, which will hear oral arguments in the case on March 26.

The uproar over the retractions hasn’t concerned Alliance Defending Freedom, the law firm representing the plaintiffs. **ADF has ties to Charlotte Lozier Institute**: the group donated more than [\\$27,000](#) to the anti-abortion think tank in 2021.

“ADF has never relied on these studies for the issues that are currently before the Supreme Court,” Senior Counsel Erik Baptist said in a statement. “So this will not have any impact on the court’s consideration.”

Nebraska Republican who voted for 12-week abortion ban wants to loosen restrictions



*State Sen. Merv Riepe, a Nebraska Republican, said he “made a mistake” last year when his party devised a 12-week abortion ban. He said he should have pushed for additional exemptions.
(Zach Wendling/Nebraska Examiner)*

GOP Nebraska Sen. **Merv Riepe** played a pivotal role in sinking a bill last year that would have banned most abortions after six weeks in the state. Riepe wanted the bill to **include exceptions for fatal fetal anomalies and shield doctors from prosecution**, [Nebraska Examiner](#) reported. But he reversed course toward the end of the legislative session, voting

for a measure that merged a 12-week restriction with a ban on gender-transition surgeries for anyone under 19.

Now, Riepe is urging his colleagues to vote for his new [bill](#), which would amend the law with provisions he originally brought forward. “I made a mistake by not holding to the amendment I had proposed on the floor during the heated LB 626 debate,” Riepe said Thursday. **He testified that the measure combining abortion and transgender restrictions was a rushed process and “quickly” finalized in Republican Gov. Jim Pillen’s office.**

Riepe, a former hospital administrator, has not taken a position on a [ballot initiative](#) that could restore abortion access up to fetal viability and beyond to save the person’s life or health. But he told the Examiner a rejection of his bill could fuel **Protect Our Rights**, the campaign behind the effort.

“Legislatively, if they vote against this, they’re voting to give preference to a nonviable infant over a living, want-to-be mother whose health and even life may be in jeopardy,” Riepe said. “I think that’s a horrible public relations place to be in as a state.”

In other news, an attempt to repeal the law Riepe voted for is dead, according to the [Examiner](#). Democratic Sen. **Machaela Cavanaugh** withdrew a bill she introduced last month that sought to nullify the combo statute limiting abortion and gender care. Cavanaugh, whose child is trans, [filibustered](#) nearly every proposal to restrict reproductive and transgender rights last spring.

WI Planned Parenthood urges state Supreme Court to review constitutional law



*A Planned Parenthood clinic in downtown Milwaukee. Confusion over Wisconsin's abortion laws could be settled by the state Supreme Court.
(Isiah Holmes/Wisconsin Examiner)*

Planned Parenthood of Wisconsin filed a petition last week with the liberal-majority high court, asking the justices to determine whether the state constitution guarantees bodily autonomy rights, including a right to abortion. The move followed a **Republican district attorney's request** that the bench gauge the validity of a 19th century abortion statute, [Wisconsin Examiner](#) reported.

The state's Planned Parenthood affiliates started providing abortions again in September after a lower court judge ruled that an 1849 law initially viewed as a near-total ban only applies to feticide, not abortion. Democratic Attorney General **Josh Kaul** led the challenge to the law, which had caused providers to stop offering abortions after the U.S. Supreme Court overturned *Roe v. Wade* in June 2022.

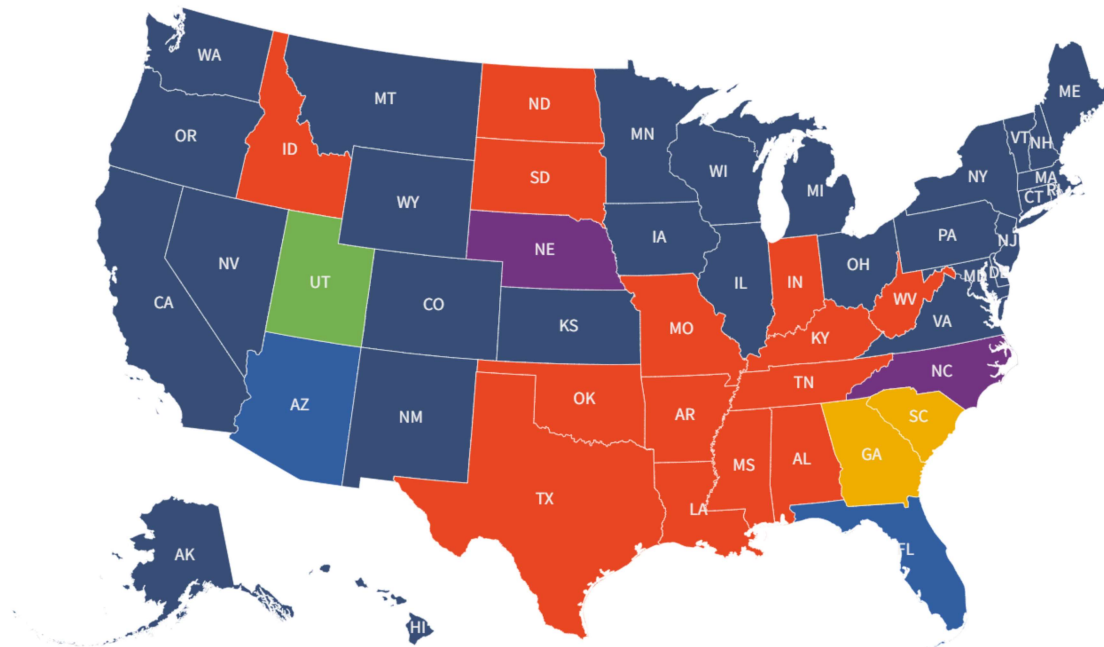
THE PULL *Commentary from Florida*

"The attacks on reproductive freedom in Florida and Alabama are a consequence of the far-right majority of the U.S. Supreme Court overturning *Roe v. Wade* in 2022. Justice Clarence Thomas signaled where he and his colleagues plan to go when he wrote a concurring opinion foreshadowing his intention to revisit precedents that guarantee the right to contraception, consensual same-sex relations, and same-sex marriage." — **Barrington Salmon**, contributor, [Florida Phoenix](#)

THE PULSE *Reproductive rights news across the country*

- GOP presidential frontrunner and former President Donald Trump criticized the Alabama IVF ruling. ([States Newsroom](#))
- The U.S. House Democratic Women’s Caucus asked the country’s biggest insurance association to encourage insurers to follow federal birth control coverage mandates. ([Roll Call](#))
- Vice President Kamala Harris urged Michiganders to vote and noted that Republicans could pass a national abortion ban if they win the presidency. ([Michigan Advance](#))
- A Wyoming House committee advanced a bill that would impose abortion clinic regulations, such as \$500 annual licensing fees and making doctors get hospital admitting privileges. ([WyoFile](#))
- Illinois Gov. J.B. Pritzker proposed funding community-based reproductive health centers to lower Black maternal mortality rates. ([Capitol News Illinois](#))
- Nearly 1 in 4 pregnancy-related deaths stem from mental health conditions, newly reviewed evidence shows. ([CNN](#))

STATE BY STATE *Abortion access in the U.S.*



Open this interactive map in your browser

Track state-level developments on reproductive rights anytime at [News From The States](#). Send tips and thoughts to ebrown@statesnewsroom.com, and follow her on X [@elishabrown](#).

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