

News From The States

EVENING WRAP

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By [Kate Queram](#)

Whenever I get sick I am always left with so many questions. Who is patient zero? (Usually my son.) What is wrong with my immune system? (I'm alive, so nothing, I guess, but man, a *lot* of things seem to get around it.) Is it normal to produce this much mucus? (What could one human head possibly do with all of this mucus?) These are not normal questions, probably, but cut me some slack, OK? *I'm sick*.



The Big Takeaway

There are also plenty of *very normal* things happening in the general field of health care, such as our new national fascination with other people's embryos. This fun hobby comes to us courtesy of the [Alabama Supreme Court](#), which [ruled in February](#) that frozen embryos created during fertility treatments were considered children under a state law permitting civil lawsuits over the wrongful death of minors. The decision [effectively halted](#) in vitro fertilization treatments in Alabama and generated a swirl of outrage, prompting lawmakers to swiftly [approve a bill](#) protecting fertility treatments across the state. But it may not be enough, [the Alabama Reflector reported](#).



Children, in Alabama.
(Photo by Sandy Huffaker/Getty Images)

[The law](#) offers criminal and civil immunity to IVF providers and patients for destroying or damaging embryos (otherwise known as “children,” at least in Alabama). The policy, which applies retroactively, also extends criminal immunity to people and organizations who handle the embryos, including shippers, storage facilities and “manufacturers of goods used to facilitate the in vitro process.” Those provisions were key to ameliorating the court ruling, which stemmed from a lawsuit filed by three couples whose frozen embryos were destroyed at the Mobile-based Center for Reproductive Medicine. The protections were enough for the state’s largest IVF clinics, which resumed treatments last week.

But not for the Mobile clinic, which said it could not reopen without “legal clarification on the extent of immunity” offered by the law.

“At this time, we believe the law falls short of addressing the fertilized eggs currently stored across the state and leaves challenges for physicians and fertility clinics trying to help deserving families have children of their own,” Mobile Infirmary Health and the Center for Reproductive Medicine said last week [in a joint statement](#).



*Doctor knows best.
(Photo by Getty Images)*

The policy has other blind spots, experts said. Shielding providers from legal liability over the destruction of embryos could also protect them from standard medical malpractice lawsuits, diminishing patients' ability to sue. The law also avoids entirely the question of whether a frozen embryo is a person, a politically fraught issue that [Democrats believe](#) can be resolved only by clarifying [a 2018 constitutional amendment](#) requiring the state to "recognize and support the sanctity of unborn life and the rights of unborn children, including the right to life." Absent that, it's just a Band-Aid on a bullet hole, according to the Alabama House Democratic Caucus.

"Simply put, this legislation is not a solution," the caucus said in a statement. "It serves only to avoid a reckoning, at the cost of extending the complications of the Alabama Supreme Court's ruling."

Those complications have already rippled far beyond Alabama. [More than a dozen states](#) are considering legislation that would establish personhood for IVF

embryos; others are seeking to protect access to fertility treatments. That debate is old hat in Kentucky, where IVF has been a legislative topic since 1984, [the Kentucky Lantern reported](#).

That bill — a proposal to allow the use of public funds for IVF — was introduced by then-state Rep. Greg Stumbo, who was met with immediate resistance from Kentucky Right To Life, a powerful anti-abortion group with concerns over the handling (rights?) of embryos during treatment. Stumbo, a Democrat, amended the bill to assuage those fears, adding a provision that allowed public funding for IVF “as long as such procedures do not result in the intentional destruction of a human embryo.” Still, the policy lacked broad legislative support. It appeared doomed. And then the House speaker strode to the floor of the chamber, stood before a microphone, and told his colleagues about his personal experiences with infertility.



*The Kentucky House, once and future site of IVF debate.
(Photo by Bill Pugliano/Getty Images)*

“The best I remember about that speech is that I was thinking about one of the worst tragedies in life is the couple who wants to have a baby and cannot,” Bobby Richardson, a Democrat, said in a recent interview. “If in vitro is the only way they can have a family, we would be opposing them if we did not support

the treatment. I still believe that.”

The bill prevailed, handing Kentucky Right To Life its first major legislative loss. The organization’s stance on IVF hasn’t evolved much since then, according to Addia Wuchner, its current director.

“Our goal is not to oppose proper fertility treatments,” she said, “but to protect the embryo.”

Only one of three current proposals meets that criteria: [Senate Bill 373](#), which would limit liability for doctors and providers who lose or damage a human embryo. Wuchner had no comment on [a separate proposal](#) to *shield* providers from criminal liability. Her group officially opposes [the third bill](#), which states unequivocally that a fertilized embryo outside of a human body is not an unborn child.

“That bill undermines what we affirm,” said Wuchner.



*Mike Maroney is a West Virginia senator, but he’s a physician, too.
(Photo via West Virginia Watch)*

Doctors in West Virginia saw their work undermined Saturday as lawmakers gave final approval to a bill that would relax vaccine mandates for private and

parochial schools. [The proposal](#), currently awaiting a signature from Gov. Jim Justice, would allow non-public schools to craft their own immunization policies and shield them from legal liability. Exemptions would also be available for students attending virtual public school, though anyone participating in state-sanctioned athletics would still be required to follow the mandated vaccine schedule, [West Virginia Watch reported](#).

Students who split their time between virtual and in-person education would be required to follow the school's vaccine policy, according to the bill.

The policy, if enacted, would represent a stark change in West Virginia, one of just five states that grants only medical — as opposed to religious or philosophical — exemptions from mandated vaccinations. The state's strict immunization laws have protected it from a recent rash of measles cases, which have been confirmed so far in 17 states, including four of the five that border West Virginia. Undoing those requirements places every state resident at risk, said state Sen. Mike Maroney, a physician and chair of the health committee.

“There's no question — no question — there will be negative effects to families, to children and immunocompromised adults, not to mention the cost,” said Maroney, a Republican. “I took an oath to do no harm. There is zero chance I could vote for this bill.”

Potential side effects

- [Facing public backlash, some health care companies are abandoning hospital deals](#)
- [Colorado leads on medical debt protections, even as health care costs remain 'out of control'](#)
- [Here's what Idaho legislators are weighing as they plan to set the state's Medicaid budget](#)
- [It's been four years since COVID hit Michigan. For Long COVID patients, the pandemic isn't over.](#)



State of Our Democracy

Things are also plenty normal over in Kansas, where Republicans are attempting to distance themselves from a GOP fundraiser where attendees paid to kick and

beat an effigy of President Joe Biden, [the Kansas Reflector reported](#). The, uh, activity (?) was a sideshow attraction at the main event, which featured luminaries such as [Ted Nugent](#) (a musician, [allegedly](#)) and former state attorney general Phill Kline, who used his office mostly to [terrorize abortion providers](#) and eventually [lost his law license](#) over breaches in conduct, including providing false testimony.

My point is that this was never going to be a classy event, which must have been clear to the people who paid — \$100 for general admission, \$300 for premier seats — to attend it. Still, it doesn't appear they were warned about the, uh, opportunity (?) to physically assault a martial arts dummy wearing a Biden mask. That, uh, chance (?) wasn't highlighted in any of the event promo, most of it distributed via official state GOP emails by Mike Brown, the party's election-denying chairman. (Brown has [denied attending the event](#).)



*Kansas GOP Chairman Mike Brown, a denier.
(Photo by Tim Carpenter/Kansas Reflector)*

Maybe it was a fun (?) surprise, then — a buff mannequin wearing Biden's face and a stupid "[Let's Go Brandon](#)" t-shirt, just waiting to be punched, kicked, or hit in the head with a foam baseball bat for the price of a teeny tiny extra donation! A video posted to right-wing social media sites showcased all of those moves, plus other, uh, highlights (?) of the event, including attendees attempting to karate-chop blocks *also* emblazoned with "Let's Go Brandon," which is

apparently an entire personality for an entire chunk of the American electorate. Three hundred dollars well spent, clearly!

Multiple Republicans condemned the spectacle, including former GOP chairman Mike Kuckelman, who described the incident as “shameful” and “WRONG.”

“I don’t agree with President Biden’s policies, but he is a fellow human being,” Kuckelman wrote on social media. “No one should condone or defend this horrific and shameful conduct.”

Senate Minority Leader Dinah Sykes encouraged other Republicans to step forward.

“Political violence of any kind is vile and wrong, and we cannot afford to brush it under the rug when others encourage it,” Sykes said. “If my colleagues in the legislature agree that this conduct is shameful and dangerous, they cannot turn a blind eye to this behavior. Their silence is consent.”

Ho hum

- [Early voting has started for Florida’s presidential primary election — but only GOP will be voting](#)
- [\(Indiana\) Hoosier political candidates can use donations for child care, election officials say](#)
- [Minnesota Senate majority leader denounces GOP’s effort to eliminate remote voting](#)
- [Ohio Democrat Marcy Kaptur is the longest-serving woman in congressional history](#)
- [Lawmakers want statue of Black Civil War hero Robert Smalls outside South Carolina Statehouse](#)



From The Newsrooms

Criminal Justice

- [\(Florida\) Kamala Harris to appear in Parkland later this month to discuss gun violence](#)
- [Watchdog raises concerns about ‘screening tests’ used in Nebraska state prisons to discipline inmates](#)

- [Quality and quantity of correctional services under scrutiny in Maryland](#)
- [With new laws, is Utah holding criminals accountable or adding to mass incarceration?](#)

Environment

- [Beaver expansion into Alaska's Arctic tundra presents problems for people – and opportunities](#)
- [Bill to study Maine's natural gas use in light of climate goals advances to floor](#)
- [March blizzard strands vehicles, and saves Nevada winter](#)
- [Bills to preserve trees during home building awaiting action from Virginia Gov. Glenn Youngkin](#)

Gov & Politics

- [Biden calls for expanded child tax credit, taxes on wealthy in \\$7.2 trillion budget plan](#)
- [U.S. Sen. Joni Ernst of Iowa bids for No. 3 GOP leadership post against Tom Cotton](#)
- [Dean Plocher draws new scrutiny over series of Missouri Capitol meetings with out-of-state vendor](#)
- [Ohio Gov. Mike DeWine stands behind aide while she stays mum about bribery scandal](#)



One Last Thing

Michigan voters may get the chance to [officially kill](#) Daylight Saving Time, a right that should be afforded to all voters everywhere. (Especially the tired ones.)

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1414 Raleigh Rd #127

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