

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



A crowd at the Alabama Statehouse in Montgomery listens to a speaker during a rally for in vitro fertilization protections on Feb. 28, 2024. (Brian Lyman/Alabama Reflector)

Alabama lawmakers fast-tracked legislation Thursday to protect access to in vitro fertilization, following national backlash ignited two weeks ago with the state Supreme Court ruling embryos are "children."

The state House approved a bill Thursday that would give criminal and civil immunity to IVF patients and providers, [Alabama Reflector](#) reported, while the state Senate unanimously

passed a similar bill sponsored by GOP Sen. **Tim Melson**.

Republican Rep. **Terri Collins** and Melson presented their proposals as temporary fixes aimed at reopening fertility clinics — several providers halted IVF treatments after the ruling — before legislators strategize a long-term solution.

“We’re going to continue to need to work together to fix the problem, but right now we were wanting to get the clinics open for the families to be using them, and this that does,” Collins said.

Meanwhile, Democratic Rep. **Anthony Daniels** has introduced a [constitutional amendment](#) that would declare fertilized embryos are not children. Daniels told the Reflector he’s unsure how the state Supreme Court will gauge the current slate of pro-IVF legislation.

“We certainly got to have realistic conversation and not continue to sidestep and work around the issue at hand. Because these families — this is their last best chance to be able to bring life into this world,” he said.

Common ground over protective IVF measures did not extend to Congress this week.

U.S. Sen. **Cindy Hyde-Smith**, a Mississippi Republican, blocked a bill from passing Wednesday that would have codified IVF access nationwide, [States Newsroom](#) reported.

Hyde-Smith said the bill was congressional overreach and argued the Alabama case didn’t ban IVF. “I support the ability for mothers and fathers to have total access to IVF and bring new life into the world, and I also believe that human life should be protected,” she said.

Illinois Democratic Sen. **Tammy Duckworth**, the bill’s sponsor, said she’ll ask for a roll call vote on the legislation. **Access to IVF is personal for Duckworth**, who conceived her children via assisted reproductive technology after struggling with infertility.

“My girls are my everything,” she said. “They likely would have never been born if I had not had access to the basic reproductive rights that Americans, up until recently, had been depending on for nearly a half century.”

Elsewhere, legislation stemming from the Alabama high court’s ruling has also been proposed in several states that ban most abortions. **Georgia, Kentucky and South Carolina** lawmakers have filed bills to enact various levels of protections for infertility treatments.

In Georgia, which has a six-week abortion ban and allows pregnant people to claim [embryos and fetuses as dependents](#) on state income taxes, Republican leadership appeared skeptical of a Democratic [bid](#) to shield the availability of IVF and contraceptives.

“It doesn’t take a lawyer to understand that a ruling by an Alabama court applies to Alabama. Democrats are disingenuously presenting their so-called solutions to problems

that simply do not exist in Georgia,” said Senate Majority Leader **Steve Gooch**, according to [Georgia Recorder](#).

Lawmakers on both sides of the aisle have filed pro-IVF laws in Kentucky. Republican Sen. **Whitney Westerfield**’s bill would prevent infertility providers from facing criminal charges related to treatment and shield them from lawsuits for the unintentional loss of embryos, [Kentucky Lantern](#) reported. Democratic Sen. **Cassie Chambers Armstrong** has [filed](#) similar legislation.

Kentucky Democratic Gov. [Andy Beshear](#) weighed in on Thursday: “I’m of the generation where numerous of my friends have amazing children that have grown up with mine that I know so well that wouldn’t be here without IVF.”

Beshear said he hopes the **bipartisan disapproval** of the Alabama ruling will encourage the Republican-controlled legislature to add rape and incest exceptions to the commonwealth’s abortion ban.

And in South Carolina, most Democrats and a few Republicans backed IVF protections unveiled this week. State lawmakers also mentioned their personal experiences with infertility, [SC Daily Gazette](#) reported.

“We know what happened in Alabama. My second child, who is 15½, was the result of in vitro fertilization,” said Democratic Rep. **Beth Bernstein**. “This bill ensures that no matter what — if someone says it’s not going to happen here — this will ensure it’s not going to happen here.”

THE BEAT *States Newsroom coverage*

Missouri attorney general cites video from right-wing group to sue Planned Parenthood



Missouri Attorney General Andrew Bailey is suing the state Planned Parenthood affiliate, accusing the organization of helping minors get abortions elsewhere. (Annelise Hanshaw/Missouri Independent)

Republican Attorney General **Andrew Bailey** filed a lawsuit Thursday against **Planned Parenthood Great Plains** based on a staged, edited video from a right-wing group, [Missouri Independent](#) reported. Bailey accused the reproductive health organization of trafficking minors out of state for abortions.

The [litigation](#) relies on video filmed and edited by **Project Veritas**, a conservative organization known for undercover operations that have [targeted](#) Planned Parenthood in the past. A video posted by the group in December shows a man asking a Planned Parenthood worker at a Kansas City clinic about abortion services for a 13-year-old, according to the Independent.

“This lawsuit is the culmination of a multi-year campaign to drive Planned Parenthood from the State of Missouri because of its flagrant and intentional refusal to comply with state law,” Bailey wrote on social media. Emily Wales, president and CEO of the group’s regional affiliate, said Bailey’s lawsuit is “based on ‘evidence’ from fraudulent, extreme anti-abortion actors, who claim to be ‘journalists.’”

Legal experts said the suit is “well-timed and well-placed for political purposes.” **House lawmakers recently [advanced](#) a bill that would bar public funding, including Medicaid reimbursements, from going to any provider affiliated with abortion services.** Missouri Republicans have been targeting Planned Parenthood for years. The state Supreme Court has repeatedly ruled that GOP attempts to defund the organization were [unconstitutional](#).

Alaska Republican's 'fetal personhood' proposal faces pushback



Alaska GOP Rep. Kevin McCabe is sponsoring a bill that would extend legal rights to fetuses. Opponents say the measure could harm IVF and emergency pregnancy care. (James Brooks/Alaska Beacon)

Alaska residents protested a Republican Rep. **Kevin McCabe's** [bill](#) that would define a fetus as a “person” in criminal law, arguing the proposal is unconstitutional.

During a committee hearing, Democratic Rep. Cliff Groh asked if abortion providers could be charged with murder under the legislation, [Alaska Beacon](#) reported. “It’s not the intent of this bill to send the stormtroopers into an abortionist’s office or a doctor that had to perform an abortion for one reason or another,” McCabe said. Groh questioned how the measure would affect **in vitro fertilization**, given that fertility clinics in [Alabama](#) stopped offering treatments after the state Supreme Court ruled frozen embryos are “children” last month.

More than 60 Alaskans testified against the bill. “This is obviously a backdoor attempt to overturn our rights, as protected in the Alaska Constitution, to obtain a legal abortion,” said Dezarae Arrowsun, a Juneau Pro-Choice Coalition board member. Dr. Meagan Byrne, an Anchorage OB-GYN, said the bill would jeopardize treating patients who have complications, such as **ectopic pregnancies**. “Physicians will be afraid of legal repercussions if we perform life-saving measures,” she said.

Pennsylvania U.S. senator criticizes federal ruling blocking pregnant worker law in Texas



Sen. Bob Casey (D-Pa.) joins advocates, legislators and pregnant workers at a rally on Capitol Hill in support of The Pregnant Workers Fairness Act on Dec. 1, 2022 in Washington, D.C. (Paul Morigi/Getty Images)

U.S. Sen. **Bob Casey**, a Pennsylvania Democrat, criticized a federal judge’s decision this week that blocked enforcement of the **Pregnant Workers Fairness Act** in Texas. “This is Republican governance at its finest and downright insulting to women in Texas and beyond who want and need to continue working safely through pregnancy,” Casey said in a statement to [Pennsylvania Capital-Star](#).

For more than a decade, Casey worked to enact federal protections requiring employers to make reasonable accommodations for pregnant workers. Congress passed the Pregnant Workers Fairness Act in late 2022, which took effect in June, [States Newsroom](#) reported. **Under the law, employers with 15 or more staff must let pregnant people take breaks, work remotely, or opt out of lifting heavy items on the job, among other concessions.**

But **Texas Attorney General Ken Paxton sued the Biden administration over the act** last year, arguing the law is unenforceable since it was passed as part of a spending package through proxy votes. Congress approved the act during the COVID-19 pandemic when leadership allowed members to vote remotely. **Paxton, a Republican, said that move violates the [quorum](#) required in the U.S. Constitution**, and that the new law would be too burdensome for state agencies.

U.S. District **Judge James Wesley Hendrix**, a former President Donald Trump appointee, ruled in favor of Paxton on Tuesday. Hendrix issued an injunction on the pregnant workers law, but it only applies to state employees. The government has less than a week to appeal the decision, which would go to the conservative-leaning U.S. 5th Circuit Court of Appeals in Louisiana.

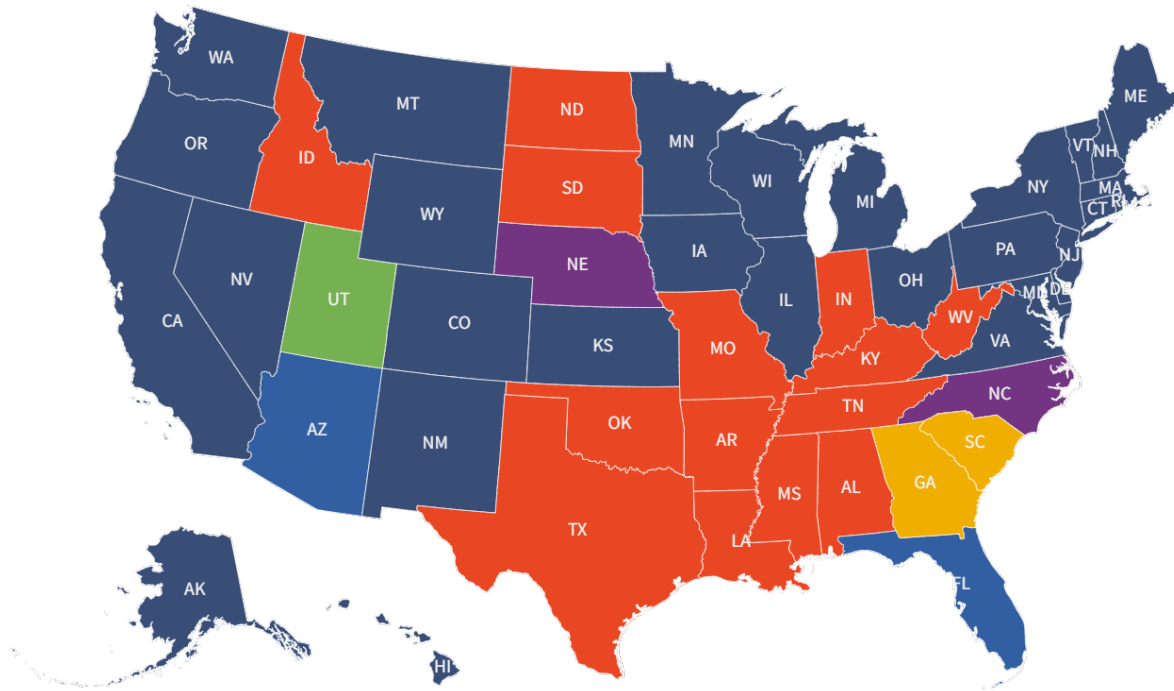
THE PULL *from Kentucky*

“As a practicing OB-GYN in this state for over 30 years, I’ve provided health care for women and that has been my goal and my dream. Would I come to this state now? No, I would not....How do you practice medicine in a culture of fear? I don’t think you can.” — **Dr. Nancy Newman**, Kentucky Physicians for Reproductive Freedom, [Kentucky Lantern](#)

THE PULSE *Reproductive rights news across the country*

- South Dakota Republicans advanced a measure that could make it more difficult to gather signatures for an abortion rights ballot petition. ([South Dakota Searchlight](#))
- Iowa students may have to watch a fetal development video produced by an anti-abortion group if the state Senate approves the proposal. ([Iowa Capital Dispatch](#))
- The Florida Senate president said a GOP senator’s bill that would allow expectant parents to file wrongful death claims for fetuses was weaponized by both sides, indicating that the measure is likely to be abandoned this session. ([Florida Phoenix](#))
- Abortion rights advocates in Connecticut want to ban religious objections to reproductive health care. ([CT Mirror](#))
- Wyoming legislation introduced this session would impose a 48-hour waiting period for abortions. ([WyoFile](#))

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



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