



## IVF Policy One-Pager

### ERLC Summary of Beliefs

From the moment of conception, every child is a gift from God, inherently valuable, worthy of protection and care, and possesses the right to be born, not contingent upon the mechanism by which they were conceived.

A desire to expand the family is generally a good desire, but there are serious ethical concerns specific to the practice of in vitro fertilization (IVF). IVF results in harm to children and harm to mothers, many of whom are themselves unaware of the complications and moral concerns associated with IVF. *We urge legislators to develop and implement a system of federal oversight that protects and informs women and ensures embryos are treated with care, even as we oppose the general practice of IVF.*

### Broad Guidelines

To minimize ethical concerns, the federal government should clarify that every embryo is a child. Recognizing the humanity of these children requires opposition to freezing or destroying these embryos.

Furthermore, there should be clear and required federal standards regulating the IVF industry. At present, there are no clear standards regarding the treatment of live embryos in federal law<sup>1</sup>. Current law<sup>2</sup> directs the Center for Disease Control (CDC) to develop a model for IVF facility accreditation, but the CDC itself does not even endorse the organizations that provide such accreditation, does not require states to comply, does not require all IVF providers to obtain certification, has no enforcement mechanism, and no longer has many reporting standards in place as a result of federal rulemaking at the end of November 2023<sup>3</sup>.

### *Protecting Religious Liberty*

A well-crafted comprehensive IVF approach will include religious liberty protections, such as:

- Adherence to the Religious Freedom Restoration Act (RFRA), which ensures the federal government does not place undue burden on employers and medical providers to cover treatments or procedures that violate their deeply-held religious and moral beliefs;
- Definitions of Assisted Reproductive Technology (ART), fertility, and other applicable terms to link “fertility” to apply solely to the inability to become pregnant where the capacity to achieve pregnancy exists, thereby avoiding manipulation by federal agencies that aim to expand access to IVF to all individuals, regardless of marital status, sex, or gender identity, or seek to expand gene editing, cloning, and genetic and sex-based selection of embryos;
- Prevents implicating taxpayers through prohibiting federally-funded IVF.

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<sup>1</sup> [42 U.S. Code § 289g-2](#) regulates “human fetal tissue” solely as applied to interstate commerce. [42 U.S. Code § 289g-1](#) regulates the transplantation of “human fetal tissue” solely as applied to research purposes. [45 CFR § 46.206](#) requires the treatment of “human fetal tissue” in accordance with state and federal law.

<sup>2</sup> This is provided in [42 U.S. Code § 263a-1](#) and [a-2](#).

<sup>3</sup> [Reporting of Pregnancy Success Rates From Assisted Reproductive Technology \(ART\) Programs; Proposed Modifications to Data Collection Fields and Data Validation Procedures; Request for Comment](#), 88 FR 83131 (proposed November 28, 2023).



### *Human Dignity Regulatory Measures*

Best practice regulatory measures would consider the following recommendations:

- Ensuring women and families are informed of the risks of, alternatives to, and ethical concerns associated with IVF;
- Requiring facilities to meet standards ensuring existing frozen embryos are treated with care and prohibiting future cryogenic storage of embryos;
- Limiting IVF procedures to only fertilize one egg, resulting in one embryo;
- Holding IVF providers accountable for the counsel and quality of care they offer women, including that IVF is not a fertility solution and does not seek to address true underlying fertility concerns;
- Prevent the disposal of an embryo due to genetic testing results or sex selection, recognizing that both are forms of discrimination.

### **Frozen Embryos, Embryo Adoption, and Disposing of Embryos**

Similar to the decision reached by the Supreme Court of the State of Alabama, the federal government should acknowledge that a frozen embryo is a human life. As a result, legislators should:

- Prioritize adoption for embryos that are currently frozen without any permitted alternatives that result in the intentional death of embryos;
- Require stricter standards to be implemented for the storage, retrieval, and thawing of existing embryos to ensure as many children as possible remain viable.

As Southern Baptists, we desire to see all lives protected and valued, including those at the embryonic stage of development. Although no form of IVF practice will alleviate all of our ethical concerns and we would counsel our members against its usage, any federal or state policy should consider how these significant ethical and moral concerns can be mitigated.

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