



May 23, 2024

Dear Senators,

I write to you as the president of the Ethics and Religious Liberty Commission (ERLC). Our organization serves as the public policy arm of the Southern Baptist Convention (SBC). The SBC is the nation's largest Protestant denomination, with over 45,000 churches and nearly 13 million members. I am writing to voice concerns with the newly introduced *IVF Protection Act*.

Southern Baptists affirm the desire to build families, and we grieve that infertility has plagued so many couples, including couples in our own churches. We believe that the family is the foundational institution of society and wish to see a culture where families can flourish. At the same time, Southern Baptists believe every child, from the moment of conception, is a gift from God, worthy of protection and care, and possesses the inherent right to life, regardless of the circumstances of his or her creation.

Taken together, these beliefs mean that while we lament the deep pain caused by infertility, we cannot remain silent about the ethical problems posed by in vitro fertilization (IVF) and other forms of assisted reproductive technology (ART) as currently practiced in the United States. IVF specifically results in harm to preborn children and harm to parents, many of whom are unaware of the risks, alternatives, efficacy, and concerns associated with IVF.

The IVF industry and the fertility industry at large currently operate in the U.S. free from basic regulations and requirements. The IVF process has few protections in place for parents or for the embryos created. In addition to the recent removal of reporting and information requirements through federal rulemaking, essentially no ethical or legal limitations have been placed on the practice of IVF. For example, there is no limit to the number of embryos that may be created at any one time or a minimum standard of care for embryos who are being stored indefinitely.

Though I understand the political dynamics that have driven many lawmakers to advocate for IVF "protections," no political justification should prevail over preventing the destruction of innocent life and the development of robust ethical frameworks in this area.

In addition to the above concerns, the *IVF Protection Act* fails to define what could be considered "prohibiting IVF." Though the rule of construction allows for states to implement "health and safety standards," it is unclear what type of "standards" would actually rise to the level of such a prohibition. Because of that, this proposal raises more questions than answers about the scope and practice of IVF. As we have seen in other areas, technology needs ethical standards to properly guide it in ways that



actually ensure people flourish. This legislation is far too quiet on that front and weaponizes state funding to potentially prohibit such needed ethical standards.

Should this bill move forward, we are alarmed that little attention is given to protecting the consciences of faith-based organizations who do not wish to provide insurance coverage for IVF or ART services. Given the current administration's propensity for minimizing conscience protections or downplaying religious liberty, this is a valid concern.

A human embryo is a life. This life is as deserving of protection and all the standards of care we would give to a child or an adult. In the post-*Roe* moment we find ourselves in, we must make the most of this opportunity to stand for life in all its forms. We must redouble our efforts to create a culture where the preborn—even at the earliest stage—are seen as essential neighbors in our society worthy of being saved, where parents are served, and where families can flourish.

To truly be pro-life and pro-family, any legislation dealing with this topic, whether it be the *IVF Protection Act*, the *Access to Family Building Act*, or others that might later be introduced, must recognize the humanity of the embryo, provide robust conscience and religious liberty protections to people of faith, and allow federal or state governments to regulate an IVF industry that has little to no oversight or accountability. In light of these concerns, we urge the Senate not to move forward with any such legislation that fails to meet these standards.

Sincerely,

Frederick Brent Leatherwood
President, Ethics & Religious Liberty Commission
of the Southern Baptist Convention