

HOUSE BILL 836: THE IVF WILD WEST BILL

HB 836 does the opposite of what it claims. Instead of helping families, HB 836 removes all safety guidelines and accountability for the multi-billion-dollar IVF industry. They win, and life loses.

KEY POINTS:

- HB 836 would seek to make it impossible for legislators to place important safety standards and guardrails in place, making the fertility industry less regulated than fast food.
- If successful, concerns around eugenics, large numbers of embryos created & destroyed, and scientific experimentation would be prohibited from being regulated.
- The lack of regulations in HB 836 creates a Wild West in the \$35 billion dollar fertility industry that leaves families and babies without protections or assurance of quality.

House Bill 836 Makes the Wild West Look Tame

Calling this bill the “Wild West” is, in reality, too generous – in the Wild West there was a set of (albeit imperfect) codes to live by. HB 836, in contrast, is devoid of any legal standards. HB 836 would seek to remove and prevent any kind of guardrail, protections, or standards around assisted reproductive technology (ART) like in vitro fertilization (IVF). The well-being of children and families stands to suffer without proper protections in place.

HB 836, only two pages, declares that: “The Commonwealth may not interfere with the use of medically appropriate methods of assisted reproductive technology or the manner in which medically appropriate methods of assisted reproductive technology are provided to an individual.”

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This bill goes much further than simply ensuring that assisted reproductive technology or IVF will not be prohibited in Pennsylvania – Instead, HB

836 itself attempts to ban lawmakers from enacting *any* real standards or safety guidelines on assisted reproductive technology. So long as a single medical professional deems a procedure or method provided to an individual “medically appropriate,” then the Commonwealth may not “interfere” in any way.

This bill means no restrictions on eugenic selections of embryos. This is especially troubling given how the fertility industry has already proven to practice what are borderline eugenics, with over 75 percent of fertility clinics offering pre-implantation genetic testing for genetic issues and 73 percent offer testing for sex selection or hair, eye, and skin color.

If successful, House Bill 836 also means that there can be no protections put in place to prevent an excessive number of embryos from being created or recklessly destroyed. While there is no federal law tracking the total number of embryos created and destroyed through each IVF cycle, conservative estimates based on numbers we do know, like the number of babies born as a result of IVF, tell us that only slightly more than two- percent of all embryos created in the United States result in the live birth of a baby. Almost every other developed country that has IVF, has limits on the number of embryos that can be created at a time or implanted at a time, but House Bill 836 would seek to prohibit Pennsylvania from ever doing the same common-sense thing that almost every other developed nation does.

HB 836 would mean almost no limitations on any kind of experimental reproductive technology that is becoming increasingly prevalent and raises serious ethical and moral concerns. “For example, in vitro gametogenesis is a novel procedure in which scientists reprogram any cell into a viable egg or sperm, allowing any single individual or any group of individuals to become genetic ‘parents’ of a child. The implications are massive. As George Washington University law professor Sonia Suter has explained: ‘This technology would allow same-sex couples to have children who are biologically related to both of them; allow single individuals to procreate without the genetic contribution of another individual; and facilitate ‘multiplex’ parenting, where groups of more than two individuals procreate together, producing children who are the genetic progeny of them all.’”

Already, as science is emerging and making many things medically possible, House Bill 836 would hamstring the legislature’s ability to set up responsible guardrails around these experiments that relate to technology which is fraught with ethical possibilities.

In short, when considering HB 836, we must ask: Should the fertility industry, which creates new human life, be regulated less than the creation of the burger you buy as fast food? No.

Allowing the fertility industry to run without accountability not only hurts the many children it creates, but it also hurts families and individual doctors who act in good faith. Couples going through an incredibly difficult and vulnerable time in their lives as they seek IVF will be left to a giant industry without any sort of meaningful oversight or protections. **The very good desire to have children and support families must not be rushed forward in a way that eventually harms them both.**

