

ACMG Response to the Alabama Supreme Court Decision on Embryos

Bethesda, MD – February 28, 2024 | On February 16, 2024, the Alabama Supreme Court ruled in *LePage v. Mobile Infirmary Clinic* that embryos are considered children from the point of fertilization. This decision sets a dangerous precedent that threatens modern fertility healthcare and patients' ability to conceive via in vitro fertilization (IVF). Since the Court's announcement, multiple clinics in Alabama have paused IVF services out of concern for legal repercussions for both patients and treating healthcare professionals.

For many people, IVF is their only option for expanding their family. Further, for couples who are known carriers of genetic conditions, IVF with pre-implantation genetic testing (PGT) is the only method available to detect genetic conditions in embryos created through IVF prior to implantation to achieve pregnancy. Alabama citizens, including those at risk for genetic disorders, deserve access to IVF and PGT.

Since the overturn of *Roe v. Wade*, there has been a flood of legislation introduced at the state level in an attempt to limit patients' access to reproductive healthcare, including bills attempting to establish personhood at the time of fertilization. While such legislative personhood efforts have yet to be passed in any state, the Alabama Supreme Court's ruling that embryos qualify as children creates a worrisome precedent that other states may attempt to copy.

This unprecedented court ruling as well as legislative efforts to limit patients' access to reproductive healthcare places patients in difficult and at times even life-threatening situations. They undermine patient autonomy in decisions about family planning and their own health. More often, clinicians are being faced with difficult decisions regarding whether they are putting themselves at risk by providing healthcare services to their patients.

This dangerous pattern of judicial and legislative interference in healthcare cannot continue. Scientifically unfounded views of judges and legislators have no place in the examination room. We urge citizens of Alabama and other states to demand that their elected officials prioritize science-based medicine and leave decisions about healthcare between patients and their healthcare professionals.