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February 12, 2021

Honorable Barry Usher
Chairman, House Judiciary Committee
Montana House of Representatives
Helena, MT 59620

RE: House Bill 337 - Oppose

PRESIDENT/CEO

Barbara L. Collura

Dear Chairman Usher and Members of the Judiciary Committee:

I am the President of RESOLVE: The National Infertility Association. Since 1974, RESOLVE has represented the millions of American women and men struggling with infertility. We also speak for the more than 28,000 Montana residents suffering from this reproductive disease.

I write today to urge you to oppose House Bill 337. HB 337 would redefine "person" in the state constitution to include "all members of mankind at any stage of development, beginning at the stage of fertilization or conception, regardless of age, health, level of functioning, or condition of dependency."

As the president of an association dedicated to helping couples with infertility have children, I recognize the harm such laws engender for infertility patients, for the doctors seeking to help them, and for over 7 million infertile couples in the United States.

One in eight American couples has trouble getting pregnant or sustaining a pregnancy. For many of them, in vitro fertilization (IVF) medical treatments are the standard of care, and their greatest hope of having a family.

Standard IVF procedure involves the fertilization of multiple eggs in a lab. These microscopic fertilized eggs develop for three to five days, and then one or more embryos are transferred to the woman's uterus in the hope that one will implant and develop to birth. By giving these microscopic embryos the same rights as born human beings, HB 337 has implications that pose a serious threat to this medical treatment.

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If passed, this law could impair or prevent doctors from practicing IVF in accord with the best standards of medical care, because it may be deemed to pose too great a risk to embryos. Cryopreservation (embryo freezing) would change drastically: it might be outlawed altogether, or couples might be forced to transfer all of the embryos created instead of freezing them for future attempts at pregnancy. This leads to multiple births and adverse health outcomes for mom and baby, or babies. Cancer patients whose only hope lies in freezing embryos could be prevented from having biological children.

If HB 337 were to become law, anything that put the fertilized eggs/embryos at risk could be considered a serious criminal violation. The impact on Assisted Reproductive Technologies (ART) – of which IVF is a leading practice – and on the entirety of the medical disciplines devoted to addressing human infertility, would be immediate and severe, even though the goal of such practices is the undeniable good of having more children and creating loving families!

In the world of unintended consequences, this situation has few peers, whether in terms of cruel irony, or in the devastating consequences for Americans suffering from the disease of infertility.

Infertility cuts across all socioeconomic levels, and all racial, ethnic and religious lines. Medical conditions such as endometriosis, ovulation disorders, luteal phase defect, premature ovarian failure and male factor are the primary causes of infertility. The American Medical Association, the American Congress of Obstetricians and Gynecologists (ACOG) and the World Health Organization (WHO) all recognize infertility as a disease.

It would be a fundamental error, and grave insult to those suffering from infertility, to target the treatment of their disease and their essential human desire to have a family.

Therefore, I respectfully ask that you oppose HB 337 and continue to allow thousands of Montanans to pursue their dream of creating a loving family with the help of IVF.

Sincerely,

A handwritten signature in black ink that reads "Barbara Collura". The script is fluid and cursive, with a long horizontal flourish at the end of the name.

Barbara Collura
President
RESOLVE: The National Infertility Association