



THEM BEFORE US
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Dear Chair Marty and Members of the Committee

Them Before Us is a nonprofit committed to defending children's rights to their mothers and fathers. We are writing in opposition to the section in SF 2995 mandating infertility treatment coverage because it requires insurance companies to subsidize an unethical, child-harming industry and cover interventions that intentionally deny children the right to a relationship with one or both of their biological parents.

The fertility industry is in the business of creating lives outside the womb that can only be sustained inside the womb. It is a violation of human dignity to place a group of people in charge of whether or not a fellow human lives, dies, or continues to develop. These human lives are left in limbo, at the mercy of an unregulated industry. The majority of IVF clinics engage in genetic screening to weed out "less desirable" embryos, despite the questionable accuracy of these screenings,¹ and in 2015 it was estimated that almost half of the clinics offering genetic screening allowed couples to choose or reject embryos on the basis of sex.² Those who are not implanted are abandoned, disposed of, or "donated" to research. The death toll from IVF exceeds that of abortion,³ and, while the exact number is unknown, it is estimated that the number of embryos who have been abandoned to an uncertain fate by commissioning parents in the U.S. is in the millions.⁴ This number continues to grow every year.

Even those who are not abandoned or destroyed face the commodification inherent to the industry. Individuals conceived via IVF have described feelings of commodification, as well as survivor's guilt as they live with the knowledge that their genetic siblings did not make it or were not chosen.⁵

In addition to the threat to life and human dignity inherent to in vitro fertilization, this bill would also subsidize the creation of motherless and fatherless children through donor conception.

Every child has an innate need for and right to their own biological mother and father. While we acknowledge that infertility is a heartbreaking experience for many couples, an adult's longing to build a family must never come at the expense of a child's needs and rights. Third-party reproduction — surrogacy and use of "donor" sperm and eggs — inflicts wounds on children,

¹ <https://www.nature.com/articles/gim2008104>

² <https://embryo.asu.edu/pages/use-reproductive-technology-sex-selection-nonmedical-reasons-2015-ethics-committee-american>

³ <https://www.liveaction.org/news/ivf-destroys-embryos-higher-rate-abortion/>

⁴ <https://www.nbcnews.com/health/features/nation-s-fertility-clinics-struggle-growing-number-abandoned-embryos-n1040806>

⁵ <https://thembeforeus.com/claire/>



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leaving them struggling with their identities and longing for biological connection. We urge you to consider their perspective and the harm that would be inflicted on children by this legislation.

Donor-conceived children experience many of the same identity struggles that adopted children experience, yearning for their biological parents and the family they never knew.⁶ The key difference is that adoption focuses on the needs of children who have lost their biological parents. Donor conception, on the other hand, focuses on the desires of adults. Donor-conceived children are intentionally deprived of their biological parents and the reality of the loss they have experienced is ignored and dismissed.

Ellie, a woman conceived via sperm donation, wrote,

I was born as the result of a profit-driven medical clinic selling parental rights without regard for what is best for the end product, the child produced... We, the donor conceived, are being denied some pretty basic human rights. We are commodified, existing only because our biological parent was willing to sell genetic material in order to make someone else a parent... We are denied medical family histories, histories that might one day save our lives, as well as genealogical histories that would help us piece together our identities.⁷

Ellie is not alone. According to one study, 70% of donor-conceived adults believe that society should end the practice of gamete donation and 62% said they found the practice to be unethical. Brian, a child of surrogacy, wrote, "When you exchange something for money it is called a commodity. Babies are not commodities. Babies are human beings. How do you think this makes us feel to know that there was money exchanged for us?" Another donor conceived individual said, "My heart bleeds daily for my unknown family. My life had a price and I am the one who bears the consequences."

Denying children the right to their own biological mother and father inflicts immeasurable harm. As one donor conceived woman put it, "This is not a new way of creating families, it's a new way of ripping them apart." This bill contains language that would intentionally keep children from a connection with their own biological parents, would treat children as commodities, and would subsidize the death toll of the IVF industry.

⁶ <https://fluxconsole.com/files/item/441/56197/My-Daddys-Name-is-Donor-Full-Study.pdf>

⁷ <https://thembeforeus.com/ellie/>