



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 24-1824, **Version:** 1

PROPOSED RESOLUTION

PROTECTING THE RIGHT TO MEDICALLY ASSISTED REPRODUCTION TECHNIQUES

WHEREAS, fertility is a basic human right; and

WHEREAS, people who can give birth deserve the ability to make the best choices for their lives, including around when and if they birth children, the number of children they have, and the spacing between their children's births; and

WHEREAS, medically assisted reproduction techniques include Assisted Reproductive Technology (ART) such as in vitro fertilization-embryo transfer (IVF-ET), gamete intrafallopian transfer (GIFT), zygote intrafallopian transfer (ZIFT), and frozen embryo transfer (FET); and

WHEREAS, in vitro fertilization, also known as IVF, is a procedure developed in the 1970s where an oocyte, colloquially known as an egg, is removed from an individual and combined with spermatozoa, colloquially known as sperm, in a laboratory, frozen and genetically tested; and

WHEREAS, during IVF, only some of the oocytes exposed to a spermatozoon will be fertilized, and of those, only a small fraction will develop into a mature embryo; and

WHEREAS, only successfully fertilized and healthy embryos get transferred into a person's uterus in hopes of leading to pregnancy; and

WHEREAS, due to the high likelihood of failure, between two to four embryos are frozen for each intended child to be born; and

WHEREAS, on February 16, 2024, the Alabama Supreme Court ruled, in *James LePage, et al. v. The Center for Reproductive Medicine and Mobile Infirmary Association*, that frozen embryos in test tubes should be considered children; and

WHEREAS, the Alabama Supreme Court judges' unprecedented majority opinion written by Justice Jay Mitchell decided that the state's 1872 Wrongful Death of a Minor Act allowing parents to sue over the wrongful death of a minor child also applies to "unborn children," with no exception for "extrauterine children;" and

WHEREAS, on February 28, 2024, Mississippi Senator Cindy Hyde-Smith blocked the passage of S.3612: Access to Family Building Act, sponsored by Illinois Senator Tammy Duckworth, that would have enshrined protections for people who use in vitro fertilization, the insurers that cover the service, and for the doctors who perform the procedure; and

WHEREAS, the ruling close fertility clinics in the state if operating them meant running the risk of being brought up on civil or criminal charges; and

WHEREAS, due to the ruling, Alabama facilities have halted or restricted treatment, and IVF providers have paused shipping of embryos to or from the state; and

WHEREAS, it is estimated there are over a million frozen eggs and embryos across the United States, according to

TMRW Life Sciences; and

WHEREAS, Cancer patients who risk losing their fertility during treatment preemptively freeze eggs or embryos before undergoing treatment; and

WHEREAS, freezing embryos allows for preimplantation genetic testing, critical for those who have a family history of debilitating or deadly hereditary conditions, or couples with incompatible genetic disorders; and

WHEREAS, IVF is critical in cases of male and female infertility, where one in six families grapples with infertility, according to the World Health Organization; and

WHEREAS, as women age, their fertility declines. IVF can provide an opportunity for older women to conceive by utilizing advanced reproductive techniques; and

WHEREAS, IVF enables people from diverse family structures including single and same-sex parents to conceive; and

WHEREAS, more than 20% of all live births in United States result from medically assisted reproductive techniques, including oocytes, sperm, embryo donation, and gestational carriers, according to the American Journal of Obstetrics & Gynecology; and

WHEREAS, an estimated two percent of Americans are born through IVF specifically, according to the Centers for Disease Control and Prevention; and

WHEREAS, in the near future, as many as 10% of all children will be conceived through IVF in many parts of the world, according to National Institutes of Health; and

WHEREAS, in developed countries and metropolises, the average age at first birth is over the age of 30, a decade older than peak fertility occurring in the mid-20s, according to the United States Census Bureau; and

WHEREAS, medically assisted reproductive techniques like IVF provide people who can give birth the control to decide when, and if, to birth children rather than be beholden to a biological timeline and potentially sacrificing their earning potential and career; and

WHEREAS, people who give birth at older ages often have more emotional maturity and financial stability; and

WHEREAS, according to the US Census, people who give birth and choose to continue to work, earn nearly \$2,000 less in the first three months after birth relative to earnings pre-pregnancy or in early pregnancy, and non-Hispanic Black women face disproportionately larger declines in labor force participation; and

WHEREAS, according to an analysis of census data by University of Houston professor Elizabeth Gregory, those who are empowered to give birth at 35 make \$50,000 more per year than those had their first child at 20; and

NOW THEREFORE BE IT RESOLVED, the Cook County Board of Commissioners does hereby declare its unequivocal support for in vitro fertilization and all methods of family formation; and

BE IT FURTHER RESOLVED, the Cook County Board of Commissioners and all Cook County Offices, Bureaus, Departments, and Commissions will protect and safeguard the reproductive rights and freedoms of people to give birth with or without medically assisted reproduction techniques.