

Madison Rodgers  
PO Box 1176  
Stanley, ND 58784

February 3, 2025

Chairman Ruby and Members of the Human Services Committee:

I am submitting testimony for HB 1373. I am neither for nor against the bill. However, I believe there needs to be an amendment made regarding reproductive medicine clinics, especially ones that offer in-vitro fertilization (IVF).

One of my concerns is when an egg is fertilized by a sperm, but fails to keep growing or "arrests". Would the clinic be liable for murder if this were to happen? That would hardly seem justifiable since the clinic has no way of keeping an unviable embryo growing if the embryo fails on its own.

Another concern is when an embryo is transferred into a woman, but fails to implant. Would the clinic be charged with murder then? This would also seem unjustifiable since there is no way that the clinic can "make" the embryo implant.

The way the new statutes are written do not account for either of these situations. They only account for "acts performed under the usual and customary standards of medical practice during diagnostic testing". I take that to mean amniocentesis, chorionic villus sampling, etc. which all happen AFTER a viable pregnancy is confirmed. There are no protections for clinics trying to give their patients a child.

I bring up these concerns because both experiences have happened to me. I have done one round of IVF and only five eggs were retrieved. Three were able to be fertilized. One embryo arrested, leaving my husband and I with two embryos.

We transferred the healthiest one first, which resulted in a handsome baby boy in May of 2023. We transferred our last embryo in October of 2024, knowing there was less likelihood of implantation because our second embryo (a boy) had a deletion on his first chromosome. Unfortunately, our embryo did not implant. (And just in case anyone wonders if those embryos that fail to implant get names - they do. We named our embryo Ezra Jett.)

If my husband and I want to continue to grow our family, we need to do another round of IVF. If this bill passes, the implications it could have on growing my family and giving our only living son a sibling earth-side could be devastating. There is only ONE reproductive medicine clinic in North Dakota. I want that clinic to be able to practice confidently and give their patients the very best care.

Please send this bill back to be amended and protect North Dakota's only reproductive medicine clinic.

Thank you,

Madison Rodgers