Alabama Embryo Ruling Alarms Cancer Patients Seeking Reproductive Options

Cancer treatments, including chemotherapy and radiation, can cause infertility. Many patients choose in vitro fertilization to build families.

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Alabama Supreme Court's ruling that frozen embryos are considered children under the law will affect many people, including cancer patients, who face increased likelihood of infertility and often turn to in vitro fertilization (IVF) for preservation options.

Last week's Alabama ruling means that any destruction or damage of frozen embryos could lead to civil liability. The court decision has already led multiple clinics to pause IVF treatments out of fear of legal action, according to the American Cancer Society Cancer Action Network (ACS CAN), which is "deeply concerned" about the situation.

"Some cancer treatments can cause infertility, and cancer patients and survivors often rely on IVF to build families after treatment. Fertility preservation care is essential for more than two thirds of newly diagnosed adolescents and young adults with cancer," ACS CAN CEO Karen Knudsen, MBA, PhD, said in the press release. "The Alabama Supreme Court ruling is already resulting in major legal hazards for providers offering fertility treatments, and health care access challenges for their patients by erecting barriers to care and threatening a person's ability to preserve fertility prior to initiating cancer treatment or have children after undergoing treatment."

Cancer treatments, including chemotherapy, radiation, hormone therapy, bone marrow transplants and more, can negatively affect reproductive organs and cause fertility issues, according to the National Cancer Institute.

In women, chemotherapy can damage ovaries and reduce the number of viable eggs, which can lead to infertility or premature menopause. Similarly, radiation therapy can cause infertility or complications during pregnancy because it is directed at the pelvic area and can damage reproductive organs.

For young women with cancer, losing their fertility due to treatment can often be just as overwhelming as the cancer diagnosis itself.

"We're leaving a lot of young men and women to deal with the long-lasting effects of the cancer

treatments, and some of those effects could be infertility and premature menopause," Deanna Gerber, MD, a gynecologic oncologist at NYU Langone Perlmutter Cancer Center who is a triple-negative breast cancer survivor, told the Washington Post.

"It's the responsibility of the oncologist to think about … not just treating the cancer, [but also] the long-term effects that these treatments can have on the patient's life, and quality of life," she said.

Using frozen embryos is standard practice and the safest method for women trying to conceive through IVF, doctors told NBC News following the ruling. In fact, about 2% of babies in the United States are conceived using assisted-reproductive technology, according to the Centers for Disease Control and Prevention.

Northwestern Medicine fertility preservation expert Kara Goldman, MD, emphasized that reproductive-age patients with cancer have limited options to preserve future fertility. "It is unfathomable to take one such option away from this already vulnerable population," she said in a Northwestern press release on the topic.

"For those suggesting that patients can merely travel across state lines to access fertility preservation care, or that patients can consider alternative methods of fertility preservation, these substitutes are both logistically and medically unacceptable," she said.

To read more, click #Infertility. There, you'll find headlines such as "Helping Young Adult Cancer Survivors Who Are Facing Infertility," "Montana Considers Requiring Insurance to Cover Fertility Preservation for Cancer Patients" and "Fertility Preservation Before Cancer Treatment Is Successful."

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