

Committee Action:  
Do Pass \_\_\_\_\_  
Amend & Do Pass \_\_\_\_\_  
Other \_\_\_\_\_

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**Assembly Committee on Judiciary**

This measure may be considered for action during today's work session.

**SENATE BILL 309**

**Makes various changes relating to health care. (BDR 15-498)**

**Sponsored By:** Senators Cannizzaro, Lange, and Spearman, et al.

**Date Heard:** May 8, 2023

**Fiscal Notes:** Effect on Local Government: No.

Effect on the State: Yes.

Senate Bill 309 creates the crime of fertility fraud and provides associated criminal penalties for committing such an offense. A health care provider who commits fertility fraud by implanting his or her human reproductive material in a patient without their consent, or who implants human reproductive material in a patient other than that expressly agreed to by a patient, is guilty of a category B felony. Additionally, any person who knowingly conveys to a patient false information or information the person reasonably should have known was false which relates to assisted reproduction is guilty of a category C felony.

The bill also provides for a civil cause of action by a victim of fertility fraud and adds fertility fraud to the list of sexual offenses for which a perpetrator must register as a sex offender. The bill makes other statutory provisions governing sex offenders applicable to a person who commits the crime or fertility fraud. Finally, the bill provides that a health care facility shall not provide a patient with human reproductive material except in accordance with a written agreement between all concerned parties and provides penalties for violating these provisions including civil penalties and suspension or revocation of a facility's license.

**Amendments:** There is one proposed amendment for this measure.

Assemblywoman Cohen proposed an amendment extending the statute of limitations for the discovery of a medical condition in a child. The statute of limitations will be extended to 3 years after the: (1) discovery of the fertility fraud; or (2) discovery of a medical condition by a child conceived by fertility fraud, whichever is later.