



Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity today to present sponsor testimony on HB 64.

Did you know that 1 out of 10 women use fertility clinics, resulting in 69,000 live births a year (roughly 2% of all children born annually)? The Assisted Reproductive Technology (ART) business has become a \$5.8 billion dollar industry. Between 2015 and 2017, over 500,000 women used donor sperm. Additional information regarding the ART industry can be found in the report you have printed in front of you.

People who know they were conceived via sperm donation have used the expansion of inexpensive DNA testing to discover the identity of their biological father and family. Recently, there have been an alarming number of “Daddy Doctor” cases throughout the United States in which, through DNA testing, fertility doctors were found to have used their own sperm for in vitro fertilization, rather than the sperm of an anonymous donor. Cases in states such as Indiana and Texas, and our very own Ohio, show how fertility fraud is a very real issue to families today. You have two news stories on your iPads to illustrate some examples of these “Daddy Doctor” cases.

Current Ohio law does not prohibit a doctor from using his own sperm to impregnate a patient without her consent, and provides no legal recourse for women and their children who find out years later that the doctor used his own sperm rather than that of an approved anonymous donor.

This legislation creates the crime of fraudulent assisted reproduction, making it a third degree felony for a licensed health care professional to purposely or knowingly use human reproductive material from a donor that the recipient of the procedure has not consented to. This legislation also allows for the woman on whom the procedure was performed, her spouse, or the child born as result of the procedure to bring a civil action against the fertility doctor.

Prosecution and civil action must be brought within ten years after the offense was committed. As you probably know, a third degree felony in Ohio carries with it a fine of up to \$10,000 and

potential prison time of 9 months – 5 years. In addition, a guilty conviction may result in the Ohio Medical Board restricting or removing the doctor’s medical license.

We all can agree that it is wrong for a fertility doctor to knowingly impregnate a patient with his own sperm instead of that of the patient’s requested sperm donor. This bill simply joins other states in making fertility fraud a crime and thus allowing legal recourse for those families affected by it.

Thank you, and I am happy to answer any questions from the Committee at this time.