

Chairman LaRe, Vice-Chair Swearingen and ranking member Leland, my name is Albert Frantz and I would like to offer proponent testimony for HB 64, legislation sponsored by Representative Powell that deals with the issue of fertility fraud.

The U.S. fertility industry was built on secrecy that in many cases has sadly devolved into outright lies, intentionally severing children's ties to immediate biological family for profit. This affects some donor-conceived people more than others, sometimes extending to diagnosed trauma, but it affects all of us and our family dynamics in one way or another. Like most donor-conceived people of my generation (mid-1970s), I was never supposed to find out the father I grew up with was not my biological father. At the time it was widely assumed that babies are blank slates and therefore practically interchangeable, but decades of research on separated twins, adoptees, and genetics have now demonstrated that nature is at least as powerful a force as nurture in shaping who we are. Not knowing why I never fit in only added to the conflict and confusion of suffering serious violence and abuse at the hands of my social father for the duration of my childhood, sometimes leaving me unable to go to school for up to a week at a time. I realize that my personal background is an outlier and that it is essential not to conflate the issues of donor conception and domestic violence, although it is clear in my individual case that I was singled out for abuse because I was "supposed" to be his child. It was not until I was turning 30 that I learned I was donor-conceived. At 43, after years of searching, at last I found my missing family, and with them a feeling of belonging for the first time in my life.

For this reason I support any legislation that preserves biological family ties and a child's right to identity, as outlined in Articles 7 and 8 of the U.N. Convention on the Rights of the Child. I have spoken twice on this subject at the U.N. in Geneva, most recently in November 2019 as part of the first group of donor-conceived people to be invited to share our

lived experience, and our group has coauthored the International Principles for Donor Conception and Surrogacy. The fertility fraud bill is but a minimum to hold the fertility industry to basic ethical standards.

Fertility fraud involves the misuse of genetic material to create a viable embryo. The classic example is a fertility doctor that uses his sperm to fertilize the egg of one of his patients, despite the patient having only agreed to use the sperm of another donor.

Believe it or not, fertility fraud is not a crime. It is a heinous abuse of trust between doctors and patients and does lifelong damage to the donor conceived people who result from this activity as well as the parents of that child who were also lied to. It is not illegal under Ohio civil or criminal statutes, and states including Indiana, Florida, Texas, and Colorado have recently passed legislation to address this hole in the law.

The number of victims of this crime is continuing to grow. As direct to consumer DNA testing becomes more and more popular, more people will discover that they and their parents or siblings have been affected by fertility fraud. With the advent of 23 And Me and other similar companies, this phenomenon has only recently come to light, so corrective legislative action is both timely and appropriate.

The victims of fertility fraud want and deserve justice under Ohio law. Proponents of HB 64 not only want civil remedies that include compensatory and punitive damages. They want Ohio law to deter doctors in the loosely regulated area of fertility treatment through criminal sanctions including jail time. To this end, I am suggesting a couple of amendments to HB 64:

- Fertility fraud should be considered a 2nd degree felony, which carries jail time.

- The statute of limitations should be five years after the discovery of the crime. Patients who use donor sperm are often contractually required to wait a minimum of 18 years before doing any kind of DNA testing, so the 10 year statute of limitations in the bill is basically rendered moot.

Mr. Chairman, thank you for receiving my testimony. I urge the committee to amend and support HB 64.