



Ohio Prosecuting Attorneys Association

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House Bill 64
Proponent Testimony
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Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide written proponent testimony on House Bill 64, a bill to create the crime of fraudulent assisted reproduction and to provide victims with a civil cause of action for an assisted reproduction procedure performed without consent.

Since mid-2019 four states have enacted similar laws and legislation is pending in eight other states including this bill in Ohio. The laws are a reaction to what is unfortunately a very real problem of some fertility doctors and other similar healthcare professionals using their own sperm to impregnate a patient without the patient's knowledge or consent. Multiple instances of this have been discovered across the United States in recent years. The curtain has been pulled back so to speak largely as a result of the growing use of at home DNA tests. In one example from Indiana, the first state to enact a fertility fraud law, a doctor was discovered to have used his sperm to fraudulently impregnate at least sixty women. Victims of this are discovering that current law doesn't even make this a criminal act.

House Bill 64 would make Ohio one of the leaders in responding to this issue by prohibiting a healthcare professional who is performing an assisted reproduction procedure from using human reproductive material from a donor whom the person receiving the procedure has not expressly consented to. A violation would be a third-degree felony. A prosecution could be brought within ten years of the commission of the offense.

House Bill 64 closes what is legitimately a legal loophole in our criminal code. It will hopefully help prevent this behavior from occurring at all in the future but will give victims a path to secure justice when they are exploited by this behavior.

Thank you, again, for the opportunity to provide proponent testimony on this bill. I also want to thank Rep. Powell for efforts to address this problem and for her advocacy on behalf of the victims of this crime. I would be happy to answer any questions.