STATE OF NEW YORK

4841

2021-2022 Regular Sessions

IN SENATE

February 16, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing fertility fraud as a class E felony offense

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding a new section 190.90 to read as follows:

§ 190.90 Fertility fraud.

1. A health care provider is guilty of fertility fraud when such provider: (a) knowingly or intentionally performs an assisted reproduction procedure using the spermatozoon or ovum of the health care provider or any other donor without the patient's informed written consent to treatment using spermatozoon or ovum from the health care provider or from any donor other than a donor from whom the patient consented in writing; or

(b) intentionally performs an assisted reproduction procedure and such provider knows or reasonably should have known that the human reproductive material was used: (i) without the donor's consent; or (ii) in a manner or to an extent other than that to which the donor consented.

2. "Human reproductive material" means:

(a) a human spermatozoon or ovum; or

(b) a human organism at any stage of development from fertilized ovum to embryo.

Fertility fraud is a class E felony.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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