

HB 4038 STAFF MEASURE SUMMARY

House Committee On Health Care

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/9, 2/14

WHAT THE MEASURE DOES:

Creates crime of false representation in assisted reproduction as Class A misdemeanor. Creates private right of action for specified individuals for false representation in assisted reproduction and specifies statute of limitations. Creates crime of unlawful use of human reproductive material as Class A misdemeanor. Authorizes Oregon Medical Board to impose discipline for false representation in assisted reproduction and unlawful use of human reproductive material.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

- Incidences and impacts of false representation in assisted reproduction
- Psychological testing of reproductive material donors

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Assisted reproduction means a method of causing pregnancy other than sexual intercourse. Assisted reproduction can include artificial insemination, donation of eggs, donation of embryos, in vitro fertilization and transfer of embryos and intracytoplasmic sperm injection (ORS 109.239). In Oregon, a crime is categorized as either a felony or misdemeanor. Misdemeanors are classified as either Class A, Class B, Class C, or unclassified. Class A misdemeanors carry a maximum sentence of 364 days and a fine of \$6,250.

House Bill 4038 creates the crimes of false representation in assisted reproduction and unlawful use of human reproductive material as Class A misdemeanors.