



## Ohio Revised Code

### Section 2907.13 Fraudulent assisted reproduction.

Effective: April 4, 2023

Legislation: Senate Bill 288 - 134th General Assembly

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(A) As used in this section:

(1) "Human reproductive material" means:

(a) Human spermatozoa or ova;

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

(2) "Assisted reproduction" means a method of causing pregnancy other than through sexual intercourse including all of the following:

(a) Intrauterine insemination;

(b) Human reproductive material donation;

(c) In vitro fertilization and transfer of embryos;

(d) Intracytoplasmic sperm injection.

(3) "Donor" means an individual who provides human reproductive material to a health care professional to be used for assisted reproduction, regardless of whether the human reproductive material is provided for consideration. The term does not include any of the following:

(a) A husband or a wife who provides human reproductive material to be used for assisted reproduction by the wife;

(b) A woman who gives birth to a child by means of assisted reproduction;



(c) An unmarried man who, with the intent to be the father of the resulting child, provides human reproductive material to be used for assisted reproduction by an unmarried woman.

(4) "Health care professional" means any of the following:

(a) A physician;

(b) An advanced practice registered nurse;

(c) A certified nurse practitioner;

(d) A clinical nurse specialist;

(e) A physician's assistant;

(f) A certified nurse-midwife.

(B) No health care professional shall, in connection with an assisted reproduction procedure, knowingly do any of the following:

(1) Use human reproductive material from the health care provider, donor, or any other person while performing the procedure if the patient receiving the procedure has not expressly consented to the use of that material.

(2) Fail to comply with the standards or requirements of sections 3111.88 to 3111.96 of the Revised Code, including the terms of the required written consent form;

(3) Misrepresent to the patient receiving the procedure any material information about the donor's profile, including the types of information listed in division (A)(2) of section 3111.93 of the Revised Code, or the manner or extent to which the material will be used.

(C) Whoever violates this section is guilty of fraudulent assisted reproduction, a felony of the third degree. If an offender commits a violation of division (B) of this section and the violation occurs as



part of a course of conduct involving other violations of division (B) of this section, a violation of this section is a felony of the second degree. The course of conduct may involve one victim or more than one victim.

(D) Patient consent to the use of human reproductive material from an anonymous donor is not effective to provide consent for use of human reproductive material of the health care professional performing the procedure.

(E) It is not a defense to a violation of this section that a patient expressly consented in writing, or by any other means, to the use of human reproductive material from an anonymous donor.