

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3867

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3867.

As amended by the committee, the bill establishes the crime of fertility fraud. Under the bill, a person commits fertility fraud if the person is a health care practitioner and knowingly performs an assisted reproduction treatment on a patient that results in a pregnancy using the person's own human reproductive material without the written informed consent of the patient, or using the human reproductive material of another person without the written informed consent of the patient.

Fertility fraud is a crime of the third degree. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill also requires the court to order the permanent revocation of any license or certification related to the provision of health care services that is held by the defendant.

Under the bill, a prosecution for fertility fraud is required to be commenced within 20 years of the date the assisted reproduction treatment was conducted, or within 10 years of the date that the victim became aware that the crime occurred.

As introduced, the bill had made fertility fraud a sex offense and required a person convicted of the crime to register as a sex offender. The committee amendments remove this provision.

COMMITTEE AMENDMENTS:

1. Delete section 3 of the bill making fertility fraud a sex offense and requiring defendant to register as a sex offender.
2. Renumber section 4 of the bill as section 3.
3. Amend the bill's Title and synopsis in accordance with the amendments.