

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 645
Judiciary

(Delegate Allen)

Criminal Law - Fraud - Assisted Reproductive Treatment

This bill prohibits a person from intentionally or knowingly providing “assisted reproductive treatment” to another person using the person’s own sperm or ovum, unless the recipient consented to treatment using that sperm or ovum. A violator is guilty of a felony and on conviction is subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000. If a woman gives birth to a child after receiving assisted reproductive treatment from a violator, the woman, the woman’s spouse or domestic partner, or the child may bring a civil action against the violator to recover specified damages. Additionally, the child is entitled to a qualified protective order granting access to the violator’s medical records and health history. Nothing in the bill may be construed to limit the availability of any other remedy provided by law.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$8,400 in FY 2027 only for one-time programming costs. The bill is not otherwise anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: “Assisted reproductive treatment” means a method of causing pregnancy other than through sexual intercourse, including (1) donation of eggs or sperm; (2) donation of embryos; (3) intracytoplasmic sperm injection; (4) intrauterine or intracervical insemination; and (5) in vitro fertilization (IVF) and embryo transfers.

A civil action brought under the bill must be filed within 10 years after the child who was born as a result of the assisted reproductive treatment reaches age 18, within 20 years after the day the treatment was provided, or within 2 years after the day on which an individual first discovers sufficient evidence through DNA analysis that the individual has a cause of action. A plaintiff who prevails is entitled to the costs of the treatment, liquidated damages up to \$50,000, compensatory damages, and reasonable attorney's fees and costs.

Current Law: Under Maryland law, there are more than 50 mandated health insurance benefits that certain carriers must provide to their enrollees, including coverage for IVF. The federal Patient Protection and Affordable Care Act requires nongrandfathered health plans to cover 10 essential health benefits (EHBs), which include items and services in the following categories: (1) ambulatory patient services; (2) emergency services; (3) hospitalization; (4) maternity and newborn care; (5) mental health and substance use disorder services, including behavioral health treatment; (6) prescription drugs; (7) rehabilitative and habilitative services and devices; (8) laboratory services; (9) preventive and wellness services and chronic disease management; and (10) pediatric services.

Under § 31-116 of the Insurance Article, EHBs must be included in the State benchmark plan and, notwithstanding any other benefits mandated by State law, must be the benefits required in (1) all individual health benefit plans and health benefit plans offered to small employers (except for grandfathered health plans) offered outside the Maryland Health Benefit Exchange (MHBE) and (2) all qualified health plans offered in MHBE.

Carriers that provide pregnancy-related benefits are required to cover outpatient expenses arising from IVF performed on a policyholder or subscriber or the dependent spouse of the policyholder or subscriber. IVF benefits may be limited to three IVF attempts per live birth, not to exceed a maximum lifetime benefit of \$100,000. Carriers are not responsible for any costs incurred by a policyholder or subscriber to obtain donor sperm.

To qualify for IVF benefits, a married patient and the patient's spouse must have a history of involuntary infertility of at least one year's duration or infertility associated with endometriosis, diethylstilbestrol exposure, blockage or removal of one or both fallopian tubes, or abnormal male factors. An unmarried patient must have (1) had three attempts of artificial insemination over the course of one year failing to result in pregnancy or (2) infertility associated with endometriosis, diethylstilbestrol exposure, blockage or removal of one or both fallopian tubes, or abnormal male factors. The patient must have been unable to attain a successful pregnancy through a less costly infertility treatment available under the policy or contract, and IVF must be performed at specified medical facilities. In addition, for a married patient whose spouse is of the opposite sex, the patient's eggs must be fertilized with the spouse's sperm unless (1) the spouse is unable to produce

and deliver functional sperm and (2) the inability does not result from a vasectomy or other method of voluntary sterilization.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, HB 95 of 2025.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Maryland Health Care Alternative Dispute Resolution Office; Department of Legislative Services

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jg/aad

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