

HOUSE BILL 645

E1

6lr2819

By: **Delegate Allen**

Introduced and read first time: January 30, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Fraud – Assisted Reproductive Treatment**

3 FOR the purpose of prohibiting a person from intentionally or knowingly providing certain
4 assisted reproductive treatment to another using the person's sperm or ovum
5 without the other's consent to assisted reproductive treatment using the person's
6 sperm or ovum; establishing a civil cause of action for a violation of this Act; and
7 generally relating to fraud.

8 BY adding to

9 Article – Criminal Law

10 Section 8–906

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **8–906.**

17 (A) (1) IN THIS SECTION, “ASSISTED REPRODUCTIVE TREATMENT”
18 MEANS A METHOD OF CAUSING PREGNANCY OTHER THAN THROUGH SEXUAL
19 INTERCOURSE.

20 (2) “ASSISTED REPRODUCTIVE TREATMENT” INCLUDES:

21 (I) DONATION OF EGGS OR SPERM;

22 (II) DONATION OF EMBRYOS;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(III) INTRACYTOPLASMIC SPERM INJECTION;

(IV) INTRAUTERINE OR INTRACERVICAL INSEMINATION; AND

(V) IN VITRO FERTILIZATION AND EMBRYO TRANSFER.

(B) (1) A PERSON MAY NOT INTENTIONALLY OR KNOWINGLY PROVIDE ASSISTED REPRODUCTIVE TREATMENT TO ANOTHER USING THE PERSON'S SPERM OR OVUM WITHOUT THE OTHER'S CONSENT TO ASSISTED REPRODUCTIVE TREATMENT USING THE PERSON'S SPERM OR OVUM.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(C) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS LIABLE FOR CIVIL DAMAGES IN AN ACTION BROUGHT BY:

(I) THE WOMAN WHO GIVES BIRTH TO A CHILD AFTER RECEIVING THE ASSISTED REPRODUCTIVE TREATMENT;

(II) THE SPOUSE OR DOMESTIC PARTNER OF THE WOMAN WHO GIVES BIRTH TO A CHILD AFTER RECEIVING THE ASSISTED REPRODUCTIVE TREATMENT; OR

(III) THE CHILD BORN AS A RESULT OF THE ASSISTED REPRODUCTIVE TREATMENT.

(2) A CHILD BORN AS A RESULT OF ASSISTED REPRODUCTIVE TREATMENT PROVIDED BY A PERSON IN VIOLATION OF SUBSECTION (B) OF THIS SECTION IS ENTITLED TO A QUALIFIED PROTECTIVE ORDER ALLOWING THE CHILD ACCESS TO THE PERSONAL MEDICAL RECORDS AND HEALTH HISTORY OF THE PERSON.

(3) A CIVIL ACTION UNDER THIS SECTION SHALL BE FILED:

(I) WITHIN 10 YEARS AFTER THE CHILD BORN AS A RESULT OF THE ASSISTED REPRODUCTIVE TREATMENT REACHES THE AGE OF 18 YEARS;

(II) WITHIN 20 YEARS AFTER THE DAY ON WHICH THE ASSISTED REPRODUCTIVE TREATMENT WAS PROVIDED; OR

1 **(III) WITHIN 2 YEARS AFTER THE DAY ON WHICH AN INDIVIDUAL**
2 **FIRST DISCOVERS SUFFICIENT EVIDENCE THROUGH DNA ANALYSIS THAT THE**
3 **INDIVIDUAL HAS A CAUSE OF ACTION AGAINST A PERSON UNDER THIS SECTION.**

4 **(4) A PLAINTIFF WHO PREVAILS IN AN ACTION BROUGHT UNDER THIS**
5 **SECTION IS ENTITLED TO:**

6 **(I) THE COSTS OF THE ASSISTED REPRODUCTIVE TREATMENT;**

7 **(II) LIQUIDATED DAMAGES NOT TO EXCEED \$50,000;**

8 **(III) COMPENSATORY DAMAGES; AND**

9 **(IV) REASONABLE ATTORNEY'S FEES AND COSTS.**

10 **(D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PERSON FROM**
11 **PURSUING ANY OTHER REMEDY PROVIDED BY LAW.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2026.