

BILL ANALYSIS

S.B. 1895
By: Huffman
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2019, the Texas Legislature enacted S.B. 1259 to create criminal penalties for fertility fraud, which occurs when a doctor knowingly uses human reproductive material from a donor without the expressed consent of the patient. Due to a statute of limitations provision in the Texas Occupations Code, a doctor who commits fertility fraud may be able to keep his or her medical license. The Texas Medical Board (TMB) is currently prohibited from considering or acting on a complaint against a doctor involving care provided more than seven years before the date on which the complaint is received unless the care was provided to a minor. However, fertility fraud is often not exposed until the adult child of a woman who had an assisted reproductive procedure uses a personal genetic identification kit. This discovery is usually well beyond the seven-year statute of limitations. S.B. 1895 seeks to address this issue by creating an exception to the seven-year statute of limitations for an applicable complaint to prohibit the TMB from considering or acting on the complaint more than seven years before the date on which the complaint is received by the TMB or more than two years from the date the complainant knew, or should have known, of the fertility fraud, whichever is later.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1895 amends the Occupations Code to create an exception to the prohibition against the Texas Medical Board (TMB) considering or acting on a complaint involving an alleged sexual assault by a health care services provider who uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material for conduct that occurred more than seven years before the date on which the complaint is received by the TMB or more than two years from the date the complainant knew or should have known of the facts giving rise to the complaint, whichever is later.

EFFECTIVE DATE

September 1, 2021.