

FINAL BILL REPORT

ESHB 1300

C 220 L 24
Synopsis as Enacted

Brief Description: Concerning fraud in assisted reproduction.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Orwall, Mosbrucker, Graham, Jacobsen, Lekanoff, Macri and Reed).

House Committee on Community Safety, Justice, & Reentry
House Committee on Appropriations
Senate Committee on Law & Justice

Background:

Assisted Reproduction.

Assisted reproduction is a method of causing pregnancy other than sexual intercourse. Forms of assisted reproduction include intrauterine or intracervical insemination, donation of gametes, donation of embryos, in-vitro fertilization and transfer of embryos, and intracytoplasmic sperm injection. A donor is an individual who provides gametes intended for use in assisted reproduction. Gametes are sperm, eggs, or any part of a sperm or egg.

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Class A Felony	Life	\$50,000
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For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. The seriousness level of an offense ranges from level I on the low end to level XVI on the high end. An offender score may vary from zero to nine plus points depending on certain factors.

Assault in the Third Degree.

A person commits assault if he or she attempts to inflict bodily injury on another person with unlawful force, unlawfully touches another person with criminal intent, or puts another person in apprehension of harm. An assault may be classified as Assault in the first, second, third, or fourth degree, depending on the specific circumstances.

A person commits Assault in the third degree if he or she, under circumstances not amounting to Assault in the first or second degree, assaults a specific category of person or commits the assault with certain intent or criminal negligence accompanied by other specific factors. For example, Assault in the third degree includes assaults against firefighters and law enforcement officers performing their official duties. Assault in the third degree is a class C felony ranked at seriousness level III.

Uniform Disciplinary Act.

The Uniform Disciplinary Act (UDA) provides a standardized set of procedures for enforcing laws concerning licensure and misconduct of licensed health care professionals. The UDA also provides a list of acts that constitute unprofessional conduct. An applicable disciplining authority may initiate a disciplinary action against a licensee after receiving a complaint or if the disciplining authority has reason to believe that the licensee engaged in unprofessional conduct.

Summary:

Assault in the Third Degree.

The crime of Assault in the third degree is expanded to include when a licensed health care provider implants or causes another to implant the provider's own gametes or reproductive material into a patient during an assisted reproduction procedure.

Uniform Disciplinary Act.

The list of acts that constitute unprofessional conduct under the Uniform Disciplinary Act is expanded to include when a licensee implants the licensee's own gametes or reproductive material into a patient.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 6, 2024