



ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114

Phone: (501) 682-5001 • Fax: (501) 682-5018

Impact Assessment for SB474 Sponsored by Senator Beckham

Subtitle TO CREATE THE CRIMINAL OFFENSES OF FERTILITY TREATMENT ABUSE AND FERTILITY TREATMENT FRAUD; AND TO CREATE THE CIVIL ACTION OF CIVIL FERTILITY FRAUD.

Impact Summary¹ Cannot be determined. The proposed bill creates a new criminal offense for which the likely number of occurrences is unknown. For this reason, the projected impact of the proposed bill cannot be determined.

Change from Current Law² Amends Title 5 of the Arkansas Code to create new criminal offenses. The proposed bill creates A.C.A. § 5-13-212, Fertility treatment abuse, a Class B felony. Under the proposed bill, a person commits fertility treatment abuse if the person is a healthcare provider who, in the course of performing an assisted reproduction procedure on a person, knowingly uses unauthorized human reproductive material. The proposed bill also creates A.C.A. § 5-37-220, Fertility treatment fraud, a Class C felony. Under the proposed bill a person commits the offense of fertility treatment fraud if the person, with the purpose to defraud a person undergoing fertility treatment, misrepresents the (1) identity of a person who has donated or is donating human reproductive material to the person undergoing fertility treatment or (2) quality of the human reproductive material used in the fertility treatment or the fertility treatment procedure.

The proposed bill also designates that there is no statute of limitations for the newly created offense of fertility treatment fraud, provides a civil cause of action for fertility treatment fraud, and defines fertility treatment, healthcare provider, human reproductive material, and unauthorized.

Impact Information The proposed bill creates a new criminal offense for which the likely number of occurrences is unknown. For this reason, the projected impact of the proposed bill cannot be determined.

¹ This impact assessment was prepared 3/17/2021 7:44 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500