

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2009

By: Bullard

AS INTRODUCED

An Act relating to assisted reproduction services; defining terms; making certain acts unlawful; mandating reporting of fertility fraud; providing for confidentiality of certain information; making certain individuals and entities liable under certain conditions; requiring certain reports by local law enforcement; requiring certain investigations; providing criminal and administrative penalties; requiring certain post-release conditions for certain offenders; limiting effect of certain provisions of law; granting certain protection to health care providers; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2230 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Protecting Patients Act of 2026".

B. As used in this act:

1. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not

1 limited to, intrauterine insemination, donation of eggs, donation of
2 embryos, in vitro fertilization, transfer of embryos, and
3 intracytoplasmic sperm injection;

4 2. "Fertility fraud" means the act of knowingly:

5 a. misrepresenting the nature, source, or origin of human
6 reproductive materials used in assisted insemination,
7 in vitro fertilization, gamete intrafallopian
8 transfer, zygote intrafallopian transfer, or any other
9 form of assisted reproduction, or

10 b. performing assisted reproduction services on a patient
11 using human reproductive materials from a donor if the
12 patient has not expressly consented to the use of such
13 material from that particular donor;

14 3. "Human reproductive material" means one or more human
15 gametes or any human deoxyribonucleic acid (DNA) used in or for the
16 purpose of human reproduction or in the process of performing
17 assisted reproduction; and

18 4. "Person" means an individual, corporation, government or
19 governmental subdivision or agency, business trust, estate, trust,
20 partnership or association, or any other legal entity.

21 C. It shall be unlawful for any person to knowingly:

22 1. Engage in any act of fertility fraud; or

23 2. Allow or enable the person's own human reproductive
24 materials or DNA to be used for the purposes of fertility fraud.

1 Any person who engages in an act described in this paragraph shall
2 be an accessory to fertility fraud.

3 D. 1. Every person who has reason to believe that fertility
4 fraud has occurred at any hospital or other facility where assisted
5 reproduction services are performed shall promptly report the matter
6 to local law enforcement. This subsection shall not be construed to
7 require a victim of fertility fraud or the child of the victim to
8 report the crime committed against the victim.

9 2. In reports required by this subsection, local law
10 enforcement shall keep confidential and redact any information
11 identifying the reporting individual, the alleged victim, and the
12 alleged perpetrator unless otherwise ordered by the court or as may
13 be required for the purposes of interdepartmental or
14 interjurisdictional investigations of the allegation.

15 3. Any employer, supervisor, administrator, governing body or
16 entity who discharges, discriminates against, or retaliates against
17 an employee or other person for reporting suspected fertility fraud
18 as required by this subsection shall be liable to the employee or
19 other person for damages, court costs, and reasonable attorney fees.

20 E. 1. It shall be the duty of any municipal police department
21 or sheriff's office that receives a report alleging an offense
22 involving fertility fraud to provide all such reports to the
23 Oklahoma State Bureau of Investigation (OSBI).

1 2. OSBI shall investigate any report alleging that any person
2 has:

- 3 a. engaged in fertility fraud,
- 4 b. been an accessory to fertility fraud, or
- 5 c. neglected to promptly report an incidence of fertility
6 fraud as required under subsection D of this section.

7 F. 1. In addition to any other penalties provided by law, any
8 person who:

- 9 a. commits fertility fraud shall, upon conviction, be
10 guilty of a felony punishable by imprisonment in the
11 custody of the Department of Corrections for a term
12 not less than ten (10) years and not more than life or
13 life without parole, or
- 14 b. is an accessory to fertility fraud or neglects to
15 report fertility fraud shall, upon conviction, be
16 guilty of a felony punishable by imprisonment in the
17 custody of the Department of Corrections for a term
18 not more than fourteen (14) years and seven (7)
19 months.

20 2. If the offender is a health care provider, the appropriate
21 licensure board shall, immediately upon conviction, permanently
22 revoke the license of the health care provider and the offender
23 shall be prohibited from receiving any other type of health care
24

1 provider license, certificate, or other credential issued by this
2 state.

3 3. Except for persons sentenced to life or life without parole,
4 any person convicted under subparagraph a of paragraph 1 of this
5 subsection shall:

6 a. serve a term of post-imprisonment community
7 supervision as required by Section 991a of Title 22 of
8 the Oklahoma Statutes under conditions determined by
9 the court, and

10 b. register as a sex offender under the Sex Offenders
11 Registration Act.

12 4. In the event that DNA testing leads to the identification of
13 a person who has violated subsection A of this section, no statute
14 of limitation that would otherwise preclude the prosecution of an
15 offense under subsection A of this section shall preclude such
16 prosecution until a date that is at least ten (10) years after the
17 date on which the person was identified.

18 5. Any acts by a health care provider that inadvertently aid in
19 the commission of fertility fraud shall not be unlawful under this
20 section if the aid is not provided knowingly.

21 SECTION 2. This act shall become effective November 1, 2026.
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