

SENATE BILL NO. 154—SENATOR BUCK

FEBRUARY 14, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to health care.
(BDR 15-54)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; establishing the crime of fertility fraud;
creating a cause of action for a person who has suffered
injury as a result of fertility fraud; providing penalties;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a provider of health care who, in the course of performing a procedure for assisted reproduction on a patient, knowingly uses his or her own gametes or the gametes of another person, without the express consent of the patient, is guilty of the crime of fertility fraud. **Section 1** makes the crime of fertility fraud punishable as a category C felony and requires the Attorney General to provide certain notice to each professional licensing board that has issued a license, certificate or registration to a person convicted of fertility fraud.

Section 3 of this bill authorizes a person who has suffered injury as a result of a violation of **section 1** to bring a civil action to recover damages. **Section 2** of this bill requires a person to commence an action to recover damages brought pursuant to **section 3** within 5 years after the date on which the person discovers the facts constituting fertility fraud.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding
thereto a new section to read as follows:

***1. A provider of health care who, in the course of performing
a procedure for assisted reproduction on a patient, knowingly uses
his or her own gametes or the gametes of another person, without
the express consent of the patient, is guilty of fertility fraud.***



* S B 1 5 4 *

2. *Unless a more severe penalty is prescribed by law for the act which brings about the fertility fraud, a person who commits fertility fraud is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

3. *Upon conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to each professional licensing board in this State that has issued a license, certificate or registration to the person.*

4. *In any prosecution for a violation of this section, the violation shall be deemed to have been committed where the procedure for assisted reproduction occurred or at the principal place of business of the provider of health care.*

5. *As used in this section:*

(a) *"Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*

(b) *"Gamete" has the meaning ascribed to it in NRS 126.560.*

(c) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 2. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. *Within 5 years, an action pursuant to section 3 of this act, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud.*

3. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved



1 party discovers, or by the exercise of due diligence should have
2 discovered, the facts constituting the deceptive trade practice.

3 ~~13.1~~ 4. Within 3 years:

4 (a) An action upon a liability created by statute, other than a
5 penalty or forfeiture.

6 (b) An action for waste or trespass of real property, but when the
7 waste or trespass is committed by means of underground works
8 upon any mining claim, the cause of action shall be deemed to
9 accrue upon the discovery by the aggrieved party of the facts
10 constituting the waste or trespass.

11 (c) An action for taking, detaining or injuring personal property,
12 including actions for specific recovery thereof, but in all cases
13 where the subject of the action is a domestic animal usually included
14 in the term "livestock," which has a recorded mark or brand upon it
15 at the time of its loss, and which strays or is stolen from the true
16 owner without the owner's fault, the statute does not begin to run
17 against an action for the recovery of the animal until the owner has
18 actual knowledge of such facts as would put a reasonable person
19 upon inquiry as to the possession thereof by the defendant.

20 (d) Except as otherwise provided in *subsection 2 and* NRS
21 112.230 and 166.170, an action for relief on the ground of fraud or
22 mistake, but the cause of action in such a case shall be deemed to
23 accrue upon the discovery by the aggrieved party of the facts
24 constituting the fraud or mistake.

25 (e) An action pursuant to NRS 40.750 for damages sustained by
26 a financial institution or other lender because of its reliance on
27 certain fraudulent conduct of a borrower, but the cause of action in
28 such a case shall be deemed to accrue upon the discovery by the
29 financial institution or other lender of the facts constituting the
30 concealment or false statement.

31 ~~14.1~~ 5. Within 2 years:

32 (a) An action against a sheriff, coroner or constable upon
33 liability incurred by acting in his or her official capacity and in
34 virtue of his or her office, or by the omission of an official duty,
35 including the nonpayment of money collected upon an execution.

36 (b) An action upon a statute for a penalty or forfeiture, where the
37 action is given to a person or the State, or both, except when the
38 statute imposing it prescribes a different limitation.

39 (c) An action for libel, slander, assault, battery, false
40 imprisonment or seduction.

41 (d) An action against a sheriff or other officer for the escape of a
42 prisoner arrested or imprisoned on civil process.

43 (e) Except as otherwise provided in NRS 11.215, an action to
44 recover damages for injuries to a person or for the death of a person
45 caused by the wrongful act or neglect of another. The provisions of



1 this paragraph relating to an action to recover damages for injuries
2 to a person apply only to causes of action which accrue after
3 March 20, 1951.

4 (f) An action to recover damages under NRS 41.740.

5 ~~5.7~~ 6. Within 1 year:

6 (a) An action against an officer, or officer de facto to recover
7 goods, wares, merchandise or other property seized by the officer in
8 his or her official capacity, as tax collector, or to recover the price or
9 value of goods, wares, merchandise or other personal property so
10 seized, or for damages for the seizure, detention or sale of, or injury
11 to, goods, wares, merchandise or other personal property seized, or
12 for damages done to any person or property in making the seizure.

13 (b) An action against an officer, or officer de facto for money
14 paid to the officer under protest, or seized by the officer in his or her
15 official capacity, as a collector of taxes, and which, it is claimed,
16 ought to be refunded.

17 **Sec. 3.** Chapter 41 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *1. A person who has suffered injury as a result of a violation*
20 *of section 1 of this act may bring an action for the recovery of his*
21 *or her actual damages and any punitive damages which the facts*
22 *may warrant.*

23 *2. A person who prevails in an action brought pursuant to*
24 *subsection 1 may recover his or her actual damages, attorney's*
25 *fees and costs and any punitive damages that the facts may*
26 *warrant.*

27 *3. Nothing in this section shall be construed to limit or*
28 *prohibit a person from recovering a portion of the cost of care,*
29 *support, education and maintenance of a child conceived as a*
30 *result of a violation of section 1 of this act pursuant to*
31 *NRS 125B.030.*

32 *4. A determination by the court that a person is a biological*
33 *parent of a child for the purposes of awarding damages pursuant*
34 *to subsection 2 does not create a parent-child relationship between*
35 *the child and the person for any legal purpose other than that*
36 *provided in this section.*

37 *5. The liability imposed by this section is in addition to any*
38 *other liability imposed by law.*

39 *6. For the purposes of this section, a violation of section 1 of*
40 *this act shall be deemed to have been committed where the*
41 *procedure for assisted reproduction occurred or at the principal*
42 *place of business of the provider of health care.*

43 *7. As used in this section:*

44 *(a) "Assisted reproduction" has the meaning ascribed to it in*
45 *NRS 126.510.*



1 ***(b) “Provider of health care” has the meaning ascribed to it in***
2 ***NRS 629.031.***

3 **Sec. 4.** The amendatory provisions of this act apply to a cause
4 of action that accrues on or after July 1, 2023.

5 **Sec. 5.** This act becomes effective on July 1, 2023.

