

My name is Tahnee Scott and I currently live in Texas. I support HB 20-1014 . I found out approximately one year ago that my biological father is in fact my mom's former OBGYN. I was conceived in 1985 through artificial insemination after my parents sought the help of a doctor to have a family. They were told that the donor would be an anonymous donor most likely a medical student or a law student nearby. After conceiving my older sister the same way they asked if there was any possibility to use the same donor. The doctor did not make any guarantees, but said he would try. This doctor mind you was not a fertility specialist and was not trained in artificial insemination. My parents could have sought help from another doctor or specialist had he been honest with them. Fast forward 33 years and through Ancestry DNA tests I discovered that the "anonymous donor" is in fact my mom's OBGYN. He lied and conceived myself and my sister, Maia using his own sperm. This discovery has been shocking and painful to my entire family. What is still more shocking is that this is not an isolated incident, as many cases are popping up all over the world with similar facts.

At times I am filled with sadness that someone could do this to my mom who just wanted to have children. That someone in such a position of power could take advantage of people that were coming to him at such a vulnerable time. I am also filled with disgust at the sexual act that he performed in order to produce a "fresh" specimen in the short window available while these women were at their peak ovulation. To know that I was brought into this world by a man that could sexually assault my mom is disgusting. He conceived me and then brought me into the world when he had the audacity to deliver me and then show me off to my big sister, his own daughter, eww!

This whole experience has led me down a rabbit hole as I try to navigate my own medical history and what it means for my own children. As I am currently expecting a child I have had to decide whether or not to have genetic testing done. I have had to discuss with my doctors that I'm missing half my medical history. I have had to try to fill in gaps based on newfound half sibling's medical history. Not only does it affect my unborn child but my children already living. They've learned of their family history and seen the effects it's had on me. It has also brought up health concerns with my oldest.

This has been a very difficult journey to navigate. There needs to be laws in place to protect people from being taken advantage of, especially by others in positions of power. If doctors are given such authority then they need to be held to a higher standard and truly do no harm. We need your help in making sure going forward people are protected and that the doctors that have already done the harm are held accountable for the deception and pain they've already caused. Please support this bill. Thank you.

My name is Crystal McPheeters. I was born in Montrose, Colorado in 1984, but moved to Oregon in 1986. I support HB 20-1014 and hope you will too. With the rise in DNA testing, the prevalence of fertility fraud is finally coming to light. This is no longer just an article in the paper for me, it is personal. My case is just one of many.

I have known I was donor conceived since I was a small child. For most of my life I didn't think much of it. It wasn't until college when I started studying genetics that I first became truly curious about my paternal ancestry. This was years before commercial DNA testing was even possible. There was not much I could do without a donor number, which the clinic never supplied. In June of 2016, I took an ancestry.com DNA test. It took almost 18 months before a close match appeared. By that time I had also submitted a 23andme test. Suddenly it was match after close match. We all had the same story, the same clinic, the same doctor, but over a 20 year age difference between the youngest and oldest. We knew that couldn't be a regular coincidence.

Through genealogical sleuthing, my sister was able to determine our father was the doctor. It was like being punched in the stomach. Our parents did not agree to this. An anonymous donor should be someone you have never met, especially not someone who knew you intimately. Doctors are supposed to be people we can trust. Doctors are supposed to have their patient's best interest at heart. They take an oath to do no harm.

Once the shock wore off, I was met with anger and revulsion. Sperm donation is tied with sex. There is no way to unlink the two. While egg donation involves needles and medical procedures, sperm donation only requires a private room and ejaculation. While he may not have forced himself on my mother, he definitely received sexual pleasure from the experience. He HAD to. There was no other way. The whole ordeal feels like rape by deception and I was angry for my mother. I am still angry for my mother. She hadn't agreed to that. To find out he had also done this over and over again made me even more angry for all those other women and families.

If basic medical ethics do not deter doctors from using their own genetic material, I hope legal consequences will. There needs to be consequences for their actions. For the rest of my life; I will have a voice in the back of my mind asking me if I can trust my doctor. My trust in the medical profession has been permanently shattered.

Hello,

My name is Patricia R Gray, I live in Casper, Wyoming. I am also mother to Ryan S Gray.

In 1982 we went to Dr.Paul Jones clinic in Grand Junction,Colorado for Artificial Insemination, in the hope of becoming pregnant. My husband cannot father child and A.I was the least expensive way at that time. Upon learning that a actual anonymous donor was not used has brought on feeling of disgust,humiliation, embarrassment and a feeling of being medically raped. For these feelings I did seek out therapy for help in dealing with these feelings.

The whole act of filling out the paperwork in the clinics office of what your husband looked like , his likes, dislikes was evidently just a waste of time as it didn't happen.

And now a face has been placed on the ghost to forever haunt us as a family.

Without this bill more families will be facing the same as we are now. With the other cases emerging now all over the world there needs to be some hope that they matter.

Legislation needs to be in place to protect unexpected families from medical professionals who prey upon them. This bill is of great value to hold Dr. Jones liable retroactively for his actions and the unspeakable harm he has done to these families.

Please support this bill !!!!

Thank You

Patricia R.Gray

Hello, my name is Shawna Hults. I am a native Colorado resident, however after serving in the military I have moved all over the United States and currently live in South Dakota. I am writing to request your full support of HB 20-1014, Misuse of Human Reproductive Material. This bill is very important to me as my life as been affected by a health care provider utilizing his own sperm to inseminate my mother. Unfortunately, this is just the most current case of this type, as more and more cases surface concerning this horrific act. Other states such as Texas, Indiana and California have now passed laws making this hideous act illegal and I hope that Colorado will follow suit.

I did an [ancestry.com](https://www.ancestry.com) DNA test, as I was interested in my heritage and wanted to know where my ancestors had immigrated from. I got my results and a lot more to go with it. I was contacted by a half-sibling who sent me a message that said "we were a close match, possibly half-siblings." When I completed the DNA test I was not expecting or had even thought about the fact I may encounter half siblings. Then it was sibling after sibling that continued to pop up on Ancestry results, over and over, currently 13 times!! (13 half siblings who we are aware of from the same donor). We all shared the exact same story, "our parents could not have children, they went to Dr. Paul Jones in Grand Junction, CO, and he inseminated my mom with a donor sperm." However, we find out later it was not a donor sperm, as the doctor had made claim to, it was Dr. Paul Jones himself spanning from, what we know so far, 1978-1997, he was between the ages of 38 to 57. Most sperm banks cut off sperm donation at age 39, to ensure health, non-mutated sperm. When I inquired about the health history of the donor, Dr. Jones responded "we no longer have that information, the donors were typically family practice residents and have moved on." He told other parents "it was a donor from Texas, a med student." All while he was probably masturbating in the back room, coming into the exam room with his fresh sperm sample and putting in our mothers. That is not what they signed up for and I consider this rape, they did not consent to HIS sperm being placed in their bodies. Not only did he manipulate them in a fragile time he created a public health nightmare for the western slope. At this time I am glad I moved away from the area, as I could have married my half sibling. Currently Grand Junction population is only 58,566, it was a lot smaller back when he was putting his fresh samples in women left and right. According to the American Society for Reproductive Medicine it is suggested that in a population 800,000 the donor should limit to no more than 25 births. Taking this guideline, if he chose to be a sperm donor, using the correct process and procedures he should have only donated no more than roughly 2 times. I now live with the fear of not knowing what type of health issues he has (as it was not processed correctly or tested) and glad that I married outside of the western slope.

This bill needs to be passed to protect future families from this horrific act, to ensure public health in communities, prevent other providers from preventing harm going forward, and it will be of great value in holding Mr. Jones and others liable for their actions. Please support this bill.

Thank you  
Shawna Hults

I am Kari Gray and I am a wife of a doctor donor conceived man. I am asking for your support of House Bill 20-1014. I want to share my experience and how this has affected me and my family.

I worry for my son and my husband. My son is too young to understand what has happened, but one day he will and he will ask questions and I want to be able to answer them. But without a law to hold people like Paul Jones accountable I am not sure what I can tell him. The former doctors actions have added unnecessary stress to our family that will follow us the rest of our lives. I believe that his behavior turned something beautiful as having a baby into a dirty little secret. I worry for my son and husbands health. I am sickened by what my mother in law had to go through. I have lost trust in ever wanting to see a male OB/GYN or Primary Care Provider. I am extremely sadden that my husband does not want to have another child. The actions have not only affected the donor conceived children, but their families.

Please help put a stop to doctors doing this in the future by passing this bill! In the past, when I heard about these stories in the news I was saddened for those people and their families and here we are experiencing that same pain. Please support the bill and do not let others get away with inflicting this agony on other families.

Thank you!

Kari Gray-wife of a donor conceived man

I am Ryan Gray and I want your support for House Bill 20-1014. I want to let you know how this has affected me and how this news has changed my life. Over recent years these sort of stories have been popping up throughout the world and in my opinion, one case is already one too many. This needs to be a law where the donor doctors receive some sort of punishment versus his/her actions just being ethically found upon.

Since finding out about the doctor being the donor I have lost sleep and have a new level of stress. This has taken a toll on me and my family as well because I have a worry for my son and his future and both his and my medical health. Knowing the what he did has made me no longer want to live in Colorado since we have no idea how many DNA family members I have here in the state. This has also made me not want to have any other children, because I do not want to add a new child to this mess.

What the doctor did was wrong. I feel as if he raped my mom and he completely violated her trust. He has made me lose faith in doctors, something that I have always trusted.

Please support this bill. You need to help protect people like me and their families from these heinous acts going forward. Please help us and our communities by holding people like Paul Jones accountable for these sorts of actions. Please support the bill.

Ryan Gray  
(conceived by Paul Jones)

I am Charlene Madsen, currently residing in Missouri and one of the mothers who are in support of Colorado HB 20-1014, Misuse of Human Reproductive Material and in hopes your committee will consider our request to prevent other providers from this incredulous act with your full support of passing a law against such behavior.

My daughter, Shawna Hults was born in Jan 1979. Her father, due to a childhood illness was not able to have children, our family doctor arranged a visit with Dr. Jones. I had two procedures and was pleased when Shawna was born. Shawna was informed of her origins when she turned 18 before heading to the Air Force. I know this was stunning news for her, but we felt it was something she should be aware of. Her father does not say much when she mentions this issue, with the new found details. Even though we both look at him as her father and always will be.

Upon Shawna returning from Iraq, (2006) Shawna dealt with medical issues and asked that I contact Dr Jones to see if we could find anything per her medical history on the donor's side of the family. Only asking for medical history, not to divulge the donor, I wrote and sent the reply to Shawna, the reply stating, there are no records and if so, it was so long ago they would probably be on microfiche. Dr. Jones wrote a little note on the form letter. (I praised him when I sent my letter and included a graduation photo of her- thus knowing this now - stroked his ego I am sure, which I am sick over).

This led Shawna to a DNA test - and the results kept coming, Shawna would call stating, another sibling; found. I realize with a donor this could be possible and thought, this donor was busy. I was ignorant in the fact that with each donor, my TRUSTED doctor was monitoring in some fashion, each time the same donor was used. At that time Grand Junction was a smaller community and he was the only doctor available. Why would we saturate a community with so many siblings??

I appreciate you taking the time to read my quick synopsis and know that I feel violated in the method Dr. Jones took upon himself without my knowledge. Had I been told this was the method, I would not have continued with this particular process. I was informed while questioning the process, that donors are screened and the cost that I was charged would go to the donor. I am aware of what anonymous means and went forth with the process trusting my doctor completely. With upsetting news as this, my focus is Mr. Jones needs to come forth, as to why he did this to so many. Along with breaking his word with myself and others with his practicing unethical methods. Mr. Jones has brought my daughter, myself and others out in the public eye to air something that is private to all of us. Many family and friends of mine are/were unaware of this period in my life.

In conclusion, legislature needs to protect patients, from doctors' harm going forward, and would be of great value in holding Mr. Jones liable retroactively (civilly). Law needs to act to protect autonomy, etc. Please support this bill.

Sincerely,

January 26, 2020

Jenifer Wilmeth  
10928 Middlegate Ct.  
Peyton, CO 80831

To Whom It May Concern:

Hello, my name is Jenifer Wilmeth and I am requesting your support for the legislation that would prevent physicians from using their sperm to inseminate their patients. This is a gross violation of the physician-patient relationship. I found out that my biological mother was inseminated by her OB/GYN physician with him using his own sperm to complete the insemination process, but claiming it was via an anonymous donor. I found out that I had several siblings who were a result of this physician's decision to violate his patient's trust through MyHeritage.com while submitting a DNA test. I had known I was donor conceived most of my life, but did not find out about being doctor conceived until I was contacted by my half siblings and told the horrific information they had found out. After learning this devastating news, I felt that my mother had been violated, that my life history was built on a lie, and began questioning if his genetics could have caused some of my current health problems. This information has brought emotional strain and unnecessary stress into my life, and an anonymous donor should remain anonymous and a physician should not have the ability to decide to utilize his sperm to inseminate his patients.

There have been numerous similar cases brought by people in a similar situation as mine, and it is unfathomable that there is not legislation to protect patients and their offspring from physicians who practice outside of their scope. Legislation needs to be implemented to protect people like me who didn't have a choice in being born, and then dealing with the emotional turmoil after finding out the details of my life history starting from insemination. Legislation needs to implement guidelines to protect patients who entrust physicians to provide a service, ensure anonymity of donors, implement guidelines for sperm donation that restrict physician to patient donation and saturation of a geographical area by sperm donors, and to protect the children who are the result of insemination to prevent psychological and genetic damage.

Thank you in advance for your attention to this matter.

Respectfully,  
Jenifer Wilmeth





INDIANA UNIVERSITY  
MAURER SCHOOL OF LAW  
Bloomington

**TESTIMONY IN SUPPORT OF COLORADO H.B. 20-1014**

My name is Dr. Jody Lyneé Madeira, and I am Professor of Law, Louis F. Niezer Faculty Fellow, and Co-Director of the Center for Law, Society, & Culture. I very much appreciate this opportunity to give written testimony in support of Colorado H.B. 20-1014. I am the author of two academic books: *Killing McVeigh: The Death Penalty and the Myth of Closure* (New York University Press, 2012) and *Taking Baby Steps: How Patients and Fertility Clinics Collaborate in Conception* (University of California Press, 2018). I have spoken about and written extensively on fertility fraud, and am currently authoring a book based on interviews with individuals who are doctor-conceived and their parents. As an expert in criminal law and accountability, torts, law and bioethics, and law and medicine, I have supported fertility fraud legislation in Indiana (S.B. 174, 2019, enacted unanimously) and Texas (S.B. 1259, 2019, enacted unanimously). I certify that I have no affiliation with or involvement in any organization or entity with any financial interest in the subject matter discussed in this written testimony, and that I am not being compensated for my testimony, expertise, or research in any way by any party.

- **There have been over nine known fertility fraud lawsuits filed in North America:** Cecil Jacobson (Alexandria, VA), Ben Ramalay (Connecticut), Donald Cline (Indianapolis, IN), Gerald Mortimer (Idaho Falls, ID); John Boyd Coates (Shelburne, VT), G.H. (Sacramento, CA), Norman Barwin (Ottawa, Canada), Paul Jones (Grand Junction, CO), Gary Phillip Wood (Arkansas)
- **This conduct has also affected families in other countries all over the world,** including Japan, Belgium, the U.K., and Germany. Perhaps the most famous case is that against Jan Karbaat in the Netherlands.
- **I know of several other additional instances of fertility fraud that have been closed through settlements and nondisclosure agreements, and many others in which parties are currently deciding what course of action to take.**
- **There is no law in most states that makes it illegal for a physician to impregnate his patients using his own gametes, although such conduct clearly violates ethical standards and fiduciary duties.**
  - California Penal § 367g makes it unlawful for anyone to a) knowingly use gametes or embryo for other purposes other than those indicated on a written consent form signed by the person providing the materials; or b) implant these materials into someone who is not the person providing these materials without the provider's signed written consent. This law was passed after misconduct at University of California, Irvine in the mid-1990s.
  - Indiana passed legislation creating a civil and criminal cause of action for fertility fraud in 2019.
  - Texas passed legislation that criminalizes fertility fraud as sexual assault in 2019. Legislators could not create a civil claim for fertility fraud because under Texas law all

- medical malpractice claims must be brought within 10 years of treatment, even when the physician defrauded his patients as to material aspects of that “treatment.”
- Legislation regarding fertility fraud is currently pending in Florida, Colorado, and Nevada.
  - **Colorado H.B. 20-1014 protects the interests of both parents and adult individuals who are doctor-conceived.**
    - It appropriately punishes the unconsented-to use of gametes as a class 6 felony.
    - The bill ensures generous liquidated damages of \$50,000 for victims, or allows them to pursue other compensatory damages as well as reasonable attorney fees.
    - H.B. 20-1014 allows patients, their spouses or surviving spouses, or children to bring an action for fertility fraud.
    - This comprehensive legislation demonstrates that Colorado’s elected representatives wish to protect their constituents from unethical practitioners when they are highly vulnerable and dependent upon their physician’s care—and when that physician’s fraud was undetectable until the advent of direct-to-consumer genetic testing.
  - **The vast majority of former patients I have interviewed feel as if they were subjected to rape or sexual assault during each insemination, and their adult children who were doctor-conceived feel as if they were born from criminal activity.**
  - **This conduct falls between gaps in the criminal law in the vast majority of states**
    - In most states, this conduct cannot be prosecuted as rape, because rape statutes do not allow for rape by deception charges.
    - This is unconsented-to penetration; patients had consented to undergo artificial insemination under different circumstances than doctor donation.
  - **This legislation is needed to protect the legal interests of women and men who sought fertility treatment, and the children they conceived, who are now adults.**
    - In at least one state (Idaho, *Mortimer v. Rowlette*), under an unusual state medical malpractice law, the state court dismissed the adult child who was donor-conceived because she was not a patient of the physician because she was not in existence when he harmed her parents
      - This holding is unsupportable because fertility fraud effects *continual* harm in addition to the grievous harm of the illicit insemination itself. These harms profoundly every aspect of victims’ lives, from personal identity to relational dynamics. The physician also literally inserts his genetic material into his patients’ family trees.
      - These harms are entirely foreseeable to the unscrupulous physicians who engaged in fertility fraud.
      - Doctors owe duties to third parties who are unknown at the time they commit wrongdoing, and can only remedy these acts *by informing their patients at the time they were committed.*
        - Courts have held that doctors are liable to third parties when it was foreseeable that these third parties would be harmed. For example:
          - A doctor who learned that HIV-infected blood was transfused into his 12-year old female patient did not inform her or her family, and was liable years later to the patient and to her sexual partner who had acquired HIV.

- A doctor negligently infused Rh-negative blood into a teenage female patient but did not inform her or her family, although he knew that act could severely harm her future children. He was held liable years later, after her infant suffered liver damage and other harms from the negligent transfusion.
- **Fertility Fraud violates the legal and ethical interests of the women who trusted these physicians and underwent artificial insemination.**
  - When a physician intentionally fails to abide by ethical principles, this conduct is criminal; numerous criminal statutes apply to professionals that violate core ethical rules (for example, in law, rules against comingling client funds).
  - These physicians intentionally deprived patients of decision-making autonomy (their rights to be secure in their persons, to give consent to medical touchings, and to choose how their families are formed), and intentionally failed to follow agreed-upon procedures for insemination.
  - These physicians intentionally violated their former patients by penetrating them in ways to which they did not consent and injecting unwanted and unconsented-to bodily fluid into their persons
  - These physicians intentionally subjected women to a clinical procedure carried out in a way that furthered his own desires and not his patient's wellbeing.
  - These physicians intentionally subjected victims to the awareness that a trusted professional knew intimate secrets about their family structures and relationships.
  - Through their conduct, these physicians intentionally and maliciously wreaked havoc with the physical, emotional, and psychological wellbeing of his former patients, their partners, and their children.
  - Yet, many of these physicians have had the gall to later claim that they were helping "desperate" patients or putting their patients' needs first.

For these reasons, I enthusiastically support the passage of Colorado's H.B. 20-1014. Thank you so very much for considering my written testimony.

Yours Sincerely,



Dr. Jody Lyneé Madeira  
Professor of Law & Louis F. Neizer Faculty  
Fellow  
Co-Director, Center for Law, Society & Culture  
Bioethics Liaison, Clinical & Translational  
Sciences Institute  
Indiana University Maurer School of Law  
jmadeira@indiana.edu | 812-856-1082