

1                   A bill to be entitled  
2           An act relating to reproductive medicine; amending s.  
3           456.072, F.S.; providing that certain health care  
4           profession licensees who intentionally perform  
5           specified acts with human reproductive material  
6           without a recipient's consent are subject to certain  
7           disciplinary action; amending ss. 458.331 and 459.015,  
8           F.S.; providing that a physician who performs  
9           specified acts with human reproductive material is  
10          subject to certain disciplinary action; creating s.  
11          784.086, F.S.; providing definitions; prohibiting a  
12          health care practitioner from intentionally performing  
13          specified acts with the human reproductive material of  
14          a donor without a recipient's consent; providing  
15          penalties; tolling applicable time limitations for  
16          criminal prosecution; providing effective dates.

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18   Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Paragraph (pp) is added to subsection (1) of  
21          section 456.072, Florida Statutes, to read:

22           456.072 Grounds for discipline; penalties; enforcement.—

23           (1) The following acts shall constitute grounds for which  
24          the disciplinary actions specified in subsection (2) may be  
25          taken:

26        (pp) Intentionally implanting or inseminating a patient or  
27 causing a patient to be implanted or inseminated with the human  
28 reproductive material, as defined in s. 784.086, of a donor  
29 without the recipient's consent to the use of the reproductive  
30 material from that donor.

31        Section 2. Paragraph (ww) is added to subsection (1) of  
32 section 458.331, Florida Statutes, to read:

33        458.331 Grounds for disciplinary action; action by the  
34 board and department.—

35        (1) The following acts constitute grounds for denial of a  
36 license or disciplinary action, as specified in s. 456.072(2):

37        (ww) Implanting or inseminating a patient or causing a  
38 patient to be implanted or inseminated with the human  
39 reproductive material, as defined in s. 784.086, of the  
40 licensee.

41        Section 3. Paragraph (yy) is added to subsection (1) of  
42 section 459.015, Florida Statutes, to read:

43        459.015 Grounds for disciplinary action; action by the  
44 board and department.—

45        (1) The following acts constitute grounds for denial of a  
46 license or disciplinary action, as specified in s. 456.072(2):

47        (yy) Implanting or inseminating a patient or causing a  
48 patient to be implanted or inseminated with the human  
49 reproductive material, as defined in s. 784.086, of the  
50 licensee.

51 Section 4. Effective October 1, 2020, section 784.086,  
 52 Florida Statutes, is created to read:

53 784.086 Reproductive battery.-

54 (1) As used in this section, the term:

55 (a) "Donor" means a person who donates reproductive  
 56 material, regardless of whether for personal use or  
 57 compensation.

58 (b) "Health care practitioner" has the same meaning as  
 59 provided in s. 456.001.

60 (c) "Recipient" means a person who receives reproductive  
 61 material from a donor.

62 (d) "Reproductive material" means any human "egg,"  
 63 "preembryo," or "sperm," as those terms are defined in s.  
 64 742.13.

65 (2) A health care practitioner may not intentionally  
 66 penetrate the vagina of a recipient with the human reproductive  
 67 material of a donor or any object containing the reproductive  
 68 material of a donor, knowing the recipient has not consented to  
 69 the use of the reproductive material from that donor.

70 (3) A health care practitioner who violates this section  
 71 commits reproductive battery, a felony of the third degree,  
 72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

73 (4) Notwithstanding any other provision of law, the period  
 74 of limitation for a violation under this section does not begin  
 75 to run until the date on which the violation is discovered and

76 | reported to law enforcement or any other governmental agency.

77 |       Section 5. Except as otherwise expressly provided in this  
78 | act, this act shall take effect July 1, 2020.