

1 A bill to be entitled
 2 An act relating to reproductive medicine; amending s.
 3 456.072, F.S.; establishing certain uses of
 4 reproductive material without patient consent as a
 5 grounds for licensure discipline; amending s. 458.331,
 6 F.S.; prohibiting a physician from performing
 7 specified acts with reproductive material; providing
 8 exceptions; amending s. 459.015, F.S.; prohibiting a
 9 physician from performing specified acts with;
 10 providing exceptions; creating s. 784.086, F.S.;
 11 defining terms; prohibiting a health care practitioner
 12 from intentionally performing specified acts with
 13 reproductive material; providing penalties; tolling
 14 applicable time limitations for criminal prosecution;
 15 creating s. 817.5051, F.S.; defining terms;
 16 prohibiting a health care practitioner from
 17 intentionally using reproductive material without
 18 consent or in a manner other than consented to by the
 19 donor or recipient; providing penalties; tolling
 20 applicable time limitations for criminal prosecution;
 21 providing an effective date.

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 23 Be It Enacted by the Legislature of the State of Florida:
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25 Section 1. Paragraph (pp) is added to subsection (1) of

26 | section 456.072, Florida Statutes, to read:

27 | 456.072 Grounds for discipline; penalties; enforcement.—

28 | (1) The following acts shall constitute grounds for which
29 | the disciplinary actions specified in subsection (2) may be
30 | taken:

31 | (pp) Intentionally implanting or inseminating or causing
32 | to be implanted or inseminated human reproductive material, as
33 | defined in s. 784.086, into a patient from a donor whom the
34 | recipient has not consented to the use of reproductive material
35 | from that donor.

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

38 | 458.331 Grounds for disciplinary action; action by the
39 | board and department.—

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

42 | (ww) Implant or inseminate a patient or cause a patient to
43 | be implanted or inseminated with the reproductive material, as
44 | defined in s. 784.086, of the licensee.

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

47 | 459.015 Grounds for disciplinary action; action by the
48 | board and department.—

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

51 (yy) Implant or inseminate a patient or cause a patient to
 52 be implanted or inseminated with the reproductive material, as
 53 defined in s. 784.086, of the licensee.

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

56 784.086 Reproductive battery.—

57 (1) DEFINITIONS.—As used in this section, the term:

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

60 (b) "Donor" means a person who donates reproductive
 61 material, regardless of whether for personal use or
 62 compensation.

63 (c) "Recipient" means a person who receives reproductive
 64 material from a donor.

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

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

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

75 (4) Notwithstanding any other provision of law, the period of

76 | limitation for a violation of this section does not begin to run
77 | until the date the violation is discovered and reported to law
78 | enforcement or other governmental agency.

79 | Section 5. This act shall take effect July 1, 2020.